



CITY OF SURPRISE
Main Agenda

January 28, 2010 @ 6:00:00 PM

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Council Meeting Date:	January 28, 2010	Contact Person:	Randy Oliver, City Manager
Submitting Department:	City Mgr	District:	Internal
Staff Recommendations:	Approve		

Consent	Regular	x	Public Hearing	Report/Discussion
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Agenda Wording:

Consideration and action on the Council Policy and Procedures Manual.

Motion:

I move to approve the Council Policy and Procedures Manual as revised.

Background:

The Mayor and Council have had two work sessions on the Policy and Procedures Manual. The version upon which approval is requested contains the direction reached by Council at the work sessions. The changes to the document have been redlined for your convenience.

Financial Impact Statement:

This is an internal document only.

ATTACHMENTS:

External Attachment Links:

Meeting Requirements:

Powerpoint	x	Video	White Board	Other	x
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Presentation Speaker Names (spelling and titles for TV captions):

Randy Oliver, City Manager

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City Clerk's Office only

Council Action

Motion/Second:

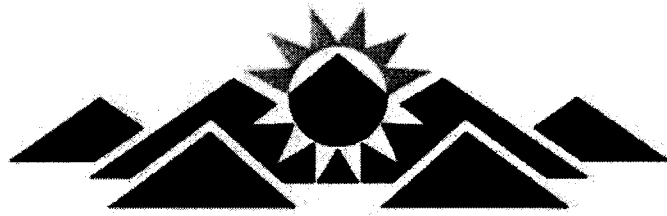
Truitt	_____
Wolcott	_____
Alton	_____
Williams	<u>m</u>
Villanueva	_____
Woodard	<u>s</u>
Hall	_____

Results:

For	<u>7</u>
Against	<u>0</u>
Passed	<input checked="" type="checkbox"/>
Failed	_____
Continue	_____
Tabled	_____
Absent	_____

Approved
as
amended.

City of



SURPRISE

ARIZONA

Council Policies & Procedures Manual

Adopted by the Surprise City Council on
January 28, 2010



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SECTION 1. RULES OF PROCEDURE/AUTHORITY

1.1 COUNCIL

The following, also established and set forth as Council Policy, are the basis for and are used in conjunction with these basic Rules of Procedure for Meetings of the City Council:

- A) The Arizona Revised Statutes, including Arizona Open Meetings Act (A.R.S. § 38-431 et.seq.)
- B) Surprise City Code
- C) Surprise City Council Policies
- D) Surprise City Administrative Policies & Procedures
- E) Roberts Rules of Order as amended

To the extent that a discrepancy may arise between the aforementioned authorities, the listed order shall control the order outlined above.

1.2 OTHER PUBLIC BODIES

To the extent practicable and applicable, the provisions of the Council Policies & Procedures Manual shall apply to every other public body of the City of Surprise. To the extent that a discrepancy may exist between these Policies & Procedures and any other set of rules or operating procedures adopted by other City Committees, Commissions and/or Boards, these rules shall control. The duties required of the Mayor shall be performed by the Chairperson of the public body. The duties required of Council Members shall be performed by the members of the public body. The duties required of the City Manager shall be performed by the City Manager or his/her delegate. The duties required of the City Clerk shall be performed by the City staff member serving the public body.

1.3 PARLIAMENTARIAN¹

- A) City Council Meetings: The City Attorney or his/her representative shall serve as Parliamentarian for all City Council meetings.
- B) Boards/Commissions/Committees: Except when the City Attorney is present, the Chair of every other public body shall serve as Parliamentarian for their respective body.

SECTION 2. DEFINITIONS

- A) **"AGENDA"** means a formal listing of items to be considered by the public body at a noticed meeting of the public body.
- B) **"CITY CODE"** means the City Code of Ordinances of the City of Surprise.

¹ Sec. 2-93(b)

- C) **"COUNCIL PACKET"** means a compilation of documents (the Packet) supporting the items listed on the Agenda and requiring Council action, which may be used by Council, staff, and the public for more in-depth information than may be presented in an oral report. The Packet is organized as set forth in Section 6 and is provided or made available to the public body, and internal and external customers.
- D) **"EXECUTIVE SESSION"** means a gathering of a quorum of members of a public body from which the public is excluded for one or more of the reasons stated in Section 38-431.03. It states that "Only individuals, whose presence is reasonably necessary in order for the public body to carry out its Executive Session responsibilities, may attend the Executive Session."
- E) **"MEETING"** means a gathering, in person or by technological devices, of a quorum of members of public body, at which they discuss, propose or take legal action, including any deliberations by a quorum with respect to such action. If a quorum is not present, those in attendance will be named for the record and in the absence of the Presiding Officer shall adjourn the meeting.
- F) **"NEWSPAPER"** means a daily or weekly paid publication containing recent news, feature articles, editorials and general advertisements.
- G) **"NOTICE"** means a formal announcement to the public that sets forth the name of the public body, date, time and place for which a meeting of the public body will be held. Notice of meetings shall be accomplished as provided by Statute, Code, City Policy, or other rules or regulations of the public body.
- H) **"ORDINANCE"** means a City Council Action setting forth a rule of public conduct that is considered long-term. Long-term rules include zoning issues, annexations, abandonments, laws of the City or similar actions of the Council. Each Ordinance, in addition to being referenced by number and brief title in the Minutes, will be recorded and maintained in numerical sequence as a permanent record of the City in a separate set of books. Effective dates of Ordinances shall be provided by law.
- I) **"PUBLIC BODY"** means the City Council, all Boards and Commissions of the City, and any specially created Board, Commission, Committee, or Sub-Committee of the City whose members are appointed by the City Council.
- J) **"QUORUM"** means a majority of the members of the public body.
- K) **"RESOLUTION"** means a formal form of a Motion normally utilized to set forth Policy of the City. Each Resolution, in addition to being referenced by number and brief title in the Minutes, will be recorded as provided by law and maintained in numerical sequence as a permanent record of the City in a separate set of books. Resolutions are used for various reasons, such as when specifically required by law, when needed as a separate evidentiary document to be transmitted to another governmental agency, or where the

frequency of future references back to its contents warrants a separate document to facilitate such future reference and research. Effective dates of Resolutions shall be provided by law.

SECTION 3. PRESIDING OFFICER

3.1 PRESIDING OFFICER²

As provided by the City Code, the Mayor, or in the Mayor's absence the Vice-Mayor is the Presiding Officer of all meetings of the City Council³. In the absence or disability of both the Mayor and the Vice-Mayor, the meeting shall be called to order by the City Clerk, whereupon, the City Clerk shall immediately call for the selection of a temporary Presiding Officer.

3.2 ROBERT'S RULE⁴

Robert's Rules of Order shall be the standard parliamentary procedure of the public body, except where otherwise provided by Ordinance or Resolution. The Council, by consensus, may suspend strict observance to Robert's Rules for the timely and orderly progression of the meeting. In the event of a conflict between these rules and Robert's Rules of Order, these rules shall govern.

SECTION 4. MEETINGS

4.1 REGULAR MEETINGS⁵

- A) Council meetings will be held in accordance with the City Code.
- B) In order to accommodate vacation scheduling of Council Members, the Mayor and /or the Council may, by vote or consensus, adjust the schedule of the Regular meetings as Special meetings on a mutually convenient date and time.

4.2 ADJOURNED MEETINGS

Any meeting may be adjourned to a time, place and date certain, but not beyond the next Regular Council meeting. Once adjourned, the meeting may not be reconvened except at the time, date, and place provided for in the Motion.

4.3 SPECIAL MEETINGS⁶

² Surprise Municipal Code Sec. 2-42

³ Surprise Municipal Code Sec. 2-44

⁴ Sec. 2-93

⁵ Sec. 2-87

Special meetings may be convened by the Mayor or two (2) Council Members upon 72 hours notice to the Clerk. The notice to the Clerk shall state the date, time, location and purpose of the meeting. The notice shall also be provided to the City Attorney and City Manager.

4.4 WORK SESSIONS⁷

Work Sessions may be held for the purpose of presentations and discussions on such issues that require more in-depth consideration of the City Council than may be possible at a Regular meeting. No formal action of the City Council may be taken at such meetings, other than general consensus or conveying direction to staff for further action. "Citizen Comments" shall be received at the end of the Work Session using the same process and time limits as a Regular meeting, however, the time may need to be limited to facilitate the timely start of a Council Meeting.

Work Sessions may be scheduled by the Mayor or two (2) Council Members.

4.5 EMERGENCY MEETINGS

As provided for in State Statutes, the Mayor and Council may call a Special Emergency meeting to discuss or take action on an unforeseen issue where time is of the essence and sufficient time does not provide for the posting of a meeting notice 24 hours or more before the meeting. Notice of an Emergency meeting of the Mayor and Council will be posted within 24 hours following the holding of an Emergency meeting. The Notice will include the Agenda and a brief but complete description of the nature of the Emergency. Emergency meetings shall not provide for a "Citizen Comments/Appearance from the Floor."

4.6 MEETINGS TO BE PUBLIC

- A) With exception of Executive Sessions, all Regular, Special, and Work Session meetings of the public body shall be open to the public.
- B) All public meetings may be recorded or photographed by means of audio, video, or photographic equipment provided, however, that there is not interference in the orderly conduct of the meeting, and that said equipment is placed in non-hazardous locations as designated by the City Manager.

4.7 MINUTES OF COUNCIL MEETINGS

- A) The City Clerk or designee shall take notes and/or audio recordation of the meeting. The City Manager shall ensure staff attendance at all Regular, Special, Work Session, Emergency and Executive Session meetings of the City Council.

⁶ Surprise Municipal Code Sec. 2-88. Amends current code. Current code provides for three (3) members.

⁷ Sec. 2-88.5

- B) Written Action Minutes instead of Verbatim Minutes shall be taken so that a brief accounting of the issues discussed and actions taken is compiled and entered into the permanent Minute book of the City and kept on file and of record in the office of the Clerk. Open meetings may be recorded by means of audio or video technology. Audio or video recordings of meetings will be retained for a period of time in accordance with the current City of Surprise State of Arizona Approved Records Retention and Disposition Schedules.
- C) All Minutes of the City Council are deemed to be public records, with the exception of Executive Session Minutes which, while they fall under the definition of and are considered public records by State Statute, are deemed confidential. Minutes, or the audio or video recording of all Open meetings of the City Council, must be on file in the Office of the City Clerk, and available for public review by 5:00 p.m. on the third working day following each meeting, or as provided by Arizona Revised Statutes.

The City Clerk, or designee, shall be the official recorder and keeper of all Minutes and Agendas for any Regular, Special, Work Session, Emergency, and Executive Session meeting of the City Council. The City Clerk shall also be the official keeper of all Minutes and Agendas for any Regular, Special, Work Session, Emergency, and Executive Session meeting of all other boards and commissions.

Minutes of all Regular meetings, Special meetings & Work Sessions of the City Council are made available for a fee, and are made available through the City's web site.

SECTION 5. NOTICE AND AGENDA

5.1 PREPARATION AND POSTING NOTICES

- A) The City Clerk, or designee, shall prepare all public meeting notices and shall ensure posting of the meeting notice no less than 24 hours before the date and time set for said meeting in accordance with Arizona Statutes and the City Code.

5.2 AGENDAS

- A) The City Clerk, or designee, shall prepare the Agendas for all meetings of the City Council in conformance to the Order of Business as set forth in Section 6 or as directed by the Mayor through the City Manager. Agendas of all

meetings of the City Council shall be available no less than 24 hours prior to said meetings.

- B) Upon written request, Agendas will be provided at no charge to political subdivisions or educational institutions.

5.3 DISTRIBUTION OF NOTICES AND AGENDAS

- A) The City Clerk shall ensure that the Mayor and Council receive copies of all City Council meeting Notices and Agendas, and any documentation provided for said meeting, no less than 24 hours prior to the meeting.
- B) The City Clerk shall ensure that City Council meeting Notices, Agendas, and documentation, as deemed necessary, are distributed to the City Manager, City Attorney and Department Directors. Courtesy copies will be available to the press, public subdivisions and educational institutions, and others as directed by the Mayor through the City Manager, no less than 24 hours prior to said meeting.
- C) The City Clerk, or designee, may amend a published Agenda, but no less than 24 hours prior to the designated meeting, and only upon receipt of direction from the City Manager, City Attorney, Mayor or two (2) Council Members to correct minor errors. Amended Agendas will be indicated by the sequential number of the amendment and the date amended.

SECTION 6. ORDER OF BUSINESS

6.1 ORDER OF BUSINESS

- A) The Order of Business of each meeting shall be as contained in the Agenda as prepared by the City Clerk. The Agenda shall be a sequentially numbered listing by topic and a brief description of the subjects, which shall be taken up for consideration.
- B) All Agendas will have the following statement at the bottom:

THE CITY OF SURPRISE ENDEAVORS TO MAKE ALL PUBLIC MEETINGS ACCESSIBLE TO PERSONS WITH DISABILITIES. With 48 hours advance notice, special assistance can be provided for sight and/or hearing-impaired persons at this meeting. Please call the City Clerk to request an accommodation to participate in this public meeting.

DATE POSTED:

TIME POSTED:

6.2 REGULAR MEETINGS

The Agenda shall be prepared in the following order:

AGENDA

Council Members must be physically present at the meeting to participate.

CALL TO ORDER
ROLL CALL
PLEDGE OF ALLEGIANCE
INVOCATION
MINUTES
CURRENT EVENTS AND REPORTS BY MAYOR AND COUNCIL
CITY MANAGER AND STAFF REPORTS
CALL TO THE PUBLIC
CONSENT AGENDA
REGULAR AGENDA ITEMS – NON PUBLIC HEARING
REGULAR AGENDA ITEMS – PUBLIC HEARING
OTHER BUSINESS (including requests for and scheduling of Work Sessions)
EXECUTIVE SESSION
ADJOURNMENT

6.3 SPECIAL MEETINGS

- A) If a Special meeting is being held in place of a Regular meeting, the Agenda shall be as set forth for a Regular meeting.
- B) For all other Special meetings, the Agenda shall be prepared in the following order:

AGENDA

Council Members must be physically present at the meeting to participate.

CALL TO ORDER
ROLL CALL
PLEDGE OF ALLEGIANCE
CALL TO THE PUBLIC
REGULAR AGENDA ITEMS – NON PUBLIC HEARING
OTHER BUSINESS
EXECUTIVE SESSION
ADJOURNMENT

6.4 WORK SESSION MEETINGS

- A) Questions may be directed by the Council to parties invited by Council or staff to participate. A brief presentation may be permitted by parties invited by Council or staff to participate. The Presiding Officer may limit or end the time for such response to questions or presentations.
- B) The Agenda shall be prepared in the following order:

CALL TO ORDER (Convene)
ROLL CALL
PLEDGE OF ALLEGIANCE
REGULAR AGENDA ITEMS – NON PUBLIC HEARING
ITEMS LISTED ARE FOR DISCUSSION ONLY. NO ACTION CAN OR WILL BE TAKEN.
AGENDA ITEMS FOR DISCUSSION (Items numbered for order)
ADJOURNMENT

6.5 ITEMS TO BE TAKEN IN ORDER

The Presiding Officer, or the City Council by consensus, may consider items out of sequence from the printed Agenda for the meeting.

6.6 ROLL CALL ATTENDANCE

Following the Call to Order, the Pledge of Allegiance, and Invocation, and before proceeding with the business of the City Council, the Presiding Officer shall acknowledge those Council Members present.

6.7 CITIZENS COMMENTS/APPEARANCE FROM THE FLOOR

- A) Call to the Public/Non-Agenda Items: Presentation of Petitions or Public Comments on Non-Agenda Items are heard under "Call to the Public." All citizens and interested parties will be limited to a maximum of four (4) minutes to address the Council on a Non-Agenda Item. The time limit may be waived by the Presiding Officer or consensus of the Council. The Council may not discuss any Item not listed on the Agenda, except to thank the speaker, or direct staff to address appropriately. Any questions raised by the speaker on Non-Agenda Items will not be answered by the Council, but will be referred to the City Manager or City staff for follow-up.
- B) All citizens and interested parties wishing to speak before the Council shall fully complete a Speaker's Request Form and, if possible, submit the form to the City Clerk, or designee, prior to the meeting being convened. Speaker Request Forms are located in the Council Chamber's Lobby (the public entry area into the Chamber), and at the City Clerk's position on the dais. These forms will be retained by the City Clerk in the official files for a period of one (1) year.
- C) At the conclusion of all citizens' comments, the Mayor or any Council Member may take any or all of the following actions:
 - 1) Respond to criticism
 - 2) Ask staff to review matter
 - 3) Ask that a matter be put on a future Agenda

6.8 CONSENT AGENDA

- A) The Consent Agenda list includes items that are of such a routine nature that discussion may not be required, or concern issues that have been previously studied by the public body. These items may be adopted by one Motion.
- B) There is no detailed discussion on items listed under the Consent Agenda, unless a member of the City Council requests that an item or items be removed for discussion. Council may ask a question without removal of the item from the Consent Agenda.
- C) Items removed from the Consent Agenda are considered in their normal sequence as listed on the Agenda, unless called out of sequence as provided for under Section 6.5.

6.9 BUSINESS

- A) At the time each Business Item is presented to Council, the applicant, if applicable, may speak. The Presiding Officer will then provide for citizens' input and comments, for those citizens who have filled out a comment form.
- B) Those citizens speaking before Council will be allowed four (4) minutes to address Council, but time limits may be waived by the Presiding Officer or upon consensus of the Council. The purpose of all public comments is to provide information and the speaker's view for Council consideration. It is not appropriate for the speakers to question directly, or debate the matter under consideration with staff, other speakers, the audience, or members of the Council. All comments shall be addressed through the Presiding Officer. After being recognized by the Presiding Officer, Council may question the speakers, any applicant's representatives or City staff. Except when answering a direct question from a Council Member, all remarks will be addressed to the Council as a whole, and not to individual members.
- C) Proper decorum must be observed by members of the Council, by speakers in providing testimony and remarks, and by the audience. In order to conduct an orderly business meeting, the Presiding Officer shall keep control of the meeting, and require the speakers and audience to refrain from abusive or profane remarks, disruptive outbursts, applause, protests or other conduct which interferes with the orderly conduct of the business of the meeting. Personal attacks on Council Members, City staff, or members of the public are not allowed. It is inappropriate to utilize the public hearing or other Agenda Item for the purpose of making political speeches, including threats of political action. Engaging in such conduct, and failing to cease such conduct upon request of the Presiding Officer, may be grounds for ending a speaker's time at the lectern, removal from the meeting and/or a citation.

- D) Generally, public hearings, other than those of a quasi-judicial nature, shall be conducted in the following order:
- 1) The City Clerk will announce the matter that is set forth for a public hearing, and if appropriate, ask the staff to provide a short summary of the matter.
 - 2) The Presiding Officer will then ask the applicant to speak on their application if they so desire.
 - 3) At the conclusion of the staff report and/or presentation by the applicant, the Presiding Officer will open the public hearing for comments from the public.
 - 4) After all public comments are heard, the Presiding Officer will close the public hearing, and may ask staff or the applicant to respond to the comments.
 - 5) The Presiding Officer may then call for a Motion and second (if applicable) and ask if Council wishes to discuss the issue. Council may then proceed to discuss the matter.
 - 6) Upon conclusion of discussion, the Presiding Officer will call for Action on the Motion.
 - 7) Exhibits, letters, petitions, and other documentary items presented or shown to the City Council on a public hearing item become part of the record of the public hearing and a copy should also be submitted to the City Clerk.
- E) Questions or comments from the public shall be limited to the subject under consideration. Depending upon the extent of the Agenda, and the number of persons desiring to speak on an issue, the Presiding Officer may, at the beginning of the hearing, limit testimony, but in no event to less than three (3) minutes per individual. Upon approval of the City Council, persons may be allowed to speak longer than three (3) minutes. Council may ask the individual speaker questions, and the speaker may respond.
- F) Quasi-judicial hearings shall be conducted in accordance with the principles of due process, and the City Attorney shall advise the City Council in this regard.

6.10 INFORMATION ITEMS

Mayor and Council Members may present or discuss information.

6.11 ADJOURNMENT

- A) The Open public meetings of the Mayor and City Council may be adjourned by unanimous consent.

- B) The Presiding Officer inquires if there is any further business to come before the Council. If none, the Presiding Officer shall then formally adjourn the meeting.

SECTION 7. AGENDA PREPARATION

7.1 AGENDA ITEM SUBMITTALS: REGULAR/SPECIAL/WORK SESSION

Items may be placed on the Agenda for City Council Open public meeting discussion and possible action by the following process:

- A) All Departments: Preparation of a Council Agenda Action Form including all attachments, signatures of Chief Financial Officer/Budget Manager, City Attorney and City Manager, for submission to the City Attorney 16 days prior to the Council meeting and to the City Clerk nine (9) days prior to the Council meeting.
- B) City Council Members: By written request of any two (2) Council Members 72 hours prior to the Friday before a meeting, to the City Manager, City Attorney or City Clerk. The contacted party shall work with the Council Members to obtain the necessary documentation for submission of the item.
- C) Mayor: Placement on the Agenda by the Mayor, and submission of the appropriate documentation to the City Clerk.
- D) City Manager: Placement on the Agenda by the City Manager, and submission of appropriate documentation to the City Clerk.
- E) City Attorney: Placement on the Agenda by the City Attorney, and submission of appropriate documentation to the City Clerk.

7.2 AGENDA ITEM SUBMITTALS FOR CITY COUNCIL EXECUTIVE SESSIONS

Items may be placed on the Agendas for City Council Executive Session discussion if in accordance with Arizona Revised Statutes, and by the following process:

- A) Submission by the City Manager or the City Attorney, with prior approval of the Mayor, or in the absence of the Mayor with the prior approval of the Vice-Mayor, to the City Clerk;
- B) By written request of two (2) City Council Members to the Mayor or City Manager and then by submission to the City Clerk;
- C) Submission by the Mayor (with notice of the placement on the Agenda to all Council Members) to the City Clerk;
- D) The Mayor, City Manager, and City Attorney shall review the submittal for Executive Session discussion, prior to submission to the City Clerk, to ensure that the item is legally permissible to be discussed in Executive Session pursuant to State Statutes;

- E) If required, the City Attorney shall advise the City Clerk regarding the appropriate wording of Executive Session Agenda Items;
- F) Any documentation provided to the City Clerk shall be attached to the Agenda.

7.3 COUNCIL PACKETS

These packets contain the Agenda, Minutes of previous Council meetings, Council Communications, and documentation that may be attached to support items contained on a Council Agenda for all noticed meetings of the public body. Council packets for a regularly scheduled meeting shall be delivered and posted to the internet the Friday before the meeting.

SECTION 8. PROCEDURES FOR CONDUCTING THE MEETING

8.1 CALL TO ORDER

The meeting of the City Council shall be called to order by the Presiding Officer.

8.2 PARTICIPATION OF PRESIDING OFFICER

The Presiding Officer may debate from the Chair, subject only to such limitations of debate as are imposed on all Council Members, and shall not be deprived of any of the rights and privileges of a Council Member by acting as Presiding Officer. However, the Presiding Officer is primarily responsible for the conduct of the meeting. If the Presiding Officer desires to personally engage in extended debate on questions before the Council, or to either move or second a Motion, he/she should turn the Chair over to the Vice-Mayor, or another Council Member until action on the issue under discussion has been completed.

8.3 QUESTION TO BE STATED

The City Clerk will read the item before Council discussion.

SECTION 9. RULES/DECORUM/ORDER

9.1 POINTS OF ORDER

The Presiding Officer shall determine all Points of Order, subject to the right of any Council Member to appeal to the whole body as set forth below. If any appeal is taken, the question (Motion) shall be: "Shall the decision of the Presiding Officer be sustained?" In which event, following a second, a majority vote shall govern and conclusively determine such question of order.

9.2 ORDER AND DECORUM

- A) Council Members: Any Council Member desiring to speak shall address the Chair and, upon recognition by the Presiding Officer, may speak.
- B) Employees: Members of the administrative staff and employees of the City shall observe the same rules of procedure and decorum applied to members of the Council. The City Manager shall ensure that all City employees observe such decorum. Any staff members, including the City Manager, desiring to address the Council or members of the public shall first be recognized by the Presiding Officer.
- C) Public: Members of the public attending Council meetings shall observe the same rules of order and decorum applicable to the Council. Unauthorized remarks or demonstrations from the audience, such as applause, stamping of feet, whistles, boos, yells, and/or other demonstrations shall not be permitted.

9.3 ENFORCEMENT OF DECORUM

Proper decorum is to be maintained during all meetings by Council, staff and guests. It is the responsibility of the Presiding Officer of the meeting to ensure compliance with this Policy.

9.4 PROCEDURES IN ABSENCE OF RULES

In the absence of a rule herein to govern a point or procedure, Robert's Rules of Order, Newly Revised, shall be used as a guide.

9.5 RULINGS OF PRESIDING OFFICER FINAL, UNLESS OVERRULED

In presiding over Council meetings, the Presiding Officer, assisted by the Parliamentarian, shall decide all questions of interpretation of these rules, points of order, or other questions of procedure requiring rulings.

9.6 APPEAL THE RULING OF THE PRESIDING OFFICER

As applies to Council Members, any such decision or ruling of the Presiding Officer shall be final. However, immediately following the Presiding Officer's ruling, a Motion and second to appeal the ruling can be made by a Council Member, and the ruling can be overridden or suspended by a majority vote of the Council Members present and voting. If not appealed, the Presiding Officer's ruling shall be binding and legally effective for purposes of the matter under considerations.

SECTION 10. ADDRESSING THE COUNCIL

10.1 PERSONS AUTHORIZED TO APPROACH COUNCIL DAIS AREA

During a Council meeting, no person except City Officials shall be permitted within the area in front of the Council dais without the invitation or consent of the Presiding Officer.

10.2 MANNER OF ADDRESSING THE COUNCIL

Any member of the public desiring to address the Council shall proceed to the lectern after having been recognized by the Presiding Officer. There shall be no loud vocalization (shouting or calling out) from the seating area of the Council Chamber. At the lectern, he or she shall clearly state their name for the record.

With 48 hours advance notice, special assistance can be provided for sight and/or hearing impaired persons.

10.3 ADDRESSING THE COUNCIL AFTER MOTION IS MADE

After a Motion has been made, or after a public hearing has been closed, no member of the public shall address the Council without first securing permission of the Presiding Officer.

10.4 LIMITATION REGARDING PUBLIC COMMENT AND REPORTS

The making of oral communications to the Council by any member of the public during the "Citizen Comments/Appearance from the Floor: (Non-Agenda Items)" or under an Action Item, shall be subject to the following limitations:

- A) The Presiding Officer may limit the number of speakers heard on Non-Agenda Items at any single meeting to four (4) minutes to allow the meeting to proceed and end in a timely manner. The time limit may be extended at the option of the Presiding Officer to allow the speaker to complete their thought.
- B) If it appears that several speakers desire to speak regarding a single topic, the Presiding Officer can limit the number of speakers or limit the time given to each group, however, an equal amount of time shall be given to each side of an issue. Decisions regarding time limits and limits on the number of speakers by the Presiding Officer can be appealed to the Council.
- C) Oral communications during the City Council meeting may not be used to lodge charges or complaints against any employee of the City or members of the body, regardless of whether such person is identified in the presentation by name or by any other reference that tends to identify him/her. Any such charges or complaints shall be submitted during normal business hours to the City Manager for appropriate action.

SECTION 11. MOTIONS

11.1 PROCESSING OF MOTIONS

When a Motion is made and seconded, it shall be stated by the City Clerk before debate. Before a vote is taken, the person making the Motion may withdraw the Motion. The person seconding the Motion may withdraw the second.

11.2 DIVISION OF QUESTION

If the question contains two (2) or more propositions that could be divided, the Presiding Officer may, and upon the request of a member, divide the same.

11.3 PRECEDENCE OF MOTIONS

When a Motion is before the Council, no Motion shall be entertained except the following, which shall have precedence in the following order:

- A) Fix the time to adjourn
- B) Adjourn
- C) Recess
- D) Raise a question of Privilege
- E) Call for Order of the Day
- F) Lay on the Table
- G) Previous Question
- H) Limit or extend limits of debate
- I) Postpone to a certain time and date
- J) Commit (Refer or remand to a Committee)
- K) Amend
- L) Postpone Indefinitely
- M) Main Motion

11.4 MOTION TO POSTPONE INDEFINITELY

A Motion to Postpone indefinitely is used to dismiss an item on the Agenda. This Motion is debatable, and because it can be applied only to the main question, it can, therefore, only be made while the main question is immediately pending (a Motion and second is on the floor). This Motion is commonly used to postpone an item until a more appropriate time.

11.5 MOTION TO TABLE

A Motion to Table enables the assembly to lay the pending question aside temporarily when something else of immediate urgency has arisen, in such a way that there is no set time for taking the matter up again. A Motion to Table shall be used to temporarily bypass the subject. A Motion to Table shall be undebatable and shall preclude all amendments or debate of the subject under consideration. If the Motion shall prevail,

the matter may be "taken from the table" at any time prior to the end of the next Regular meeting.

11.6 MOTION TO LIMIT OR TERMINATE DISCUSSION

Such a Motion shall be used to limit or close debate on, or further amendment to, the main Motion. This is referred to as "Call for Question" and is the Motion used to cut off debate and to bring the group to an immediate vote on the pending Motion. It requires a two-thirds vote. If the Motion fails, debate shall be reopened; if the Motion passes, a vote shall be taken on the main Motion. The Presiding Officer shall work to ensure all points of view are provided an opportunity to be heard.

11.7 MOTION TO AMEND

- A) Motion to Amend shall be debatable only as to the amendment. A Motion to Amend an amendment shall be in order, but a Motion to Amend an amendment to the amendment shall not be in order.
- B) An amendment modifying the intention of a Motion shall be in order, but an amendment relating to a different matter shall not be in order.
- C) A substitute Motion on the same subject shall be acceptable, and voted on before a vote on the amendment.
- D) Amendments shall be voted on first, then the main Motion as amended.

11.8 MOTION TO CONTINUE

Motion to Continue to a definite time shall be amendable and debatable as to propriety of postponement and time set.

SECTION 12. VOTING PROCEDURE

12.1 CASTING A VOTE

- A) In acting upon every Motion, the vote shall be taken by casting an electronic yes/no vote, roll call or any other method as determined by the Presiding Officer, by which the vote of each member of the public body can be clearly ascertained. Electronic votes shall not appear until all members of the body have voted unless a member is missing from the meeting or a conflict is declared.
- B) The vote on each Motion shall be entered in the record by number of votes for or against. Members casting a vote in the minority shall be identified by name in the record. The record also shall include the name/s of any member not casting a vote by reason of being absent from the room at the time of the vote or because of abstaining. A member can only abstain due to a conflict of interest.

- C) If a Council Member has declared a Conflict of Interest and is absent during the roll call vote, the City Clerk shall include "Absent for the vote due to a declared Conflict of Interest" in the official Minutes as part of the results of the vote.
- D) If the roll call method of voting is used, the City Clerk shall call the names of all members as follows: the Presiding Officer shall be called last and Council Members shall be called upon to vote, starting with the member closest to the Clerk. Member shall respond "Aye," "Nay," or "Abstain."
- E) Notwithstanding the general requirement that votes be by "Aye" or "Nay," in cases where applicable law expressly permits the City to approve or to disapprove or to make no recommendation on a particular matter submitted for consideration, any Motion made for action on that matter shall be presented in such form as will permit Council Members to vote by stating one of the following: approval, disapproval or no recommendation.
- F) If a majority of those present and voting indicated "approval," the action will be deemed approved. If a majority of those present and voting indicate "disapproval," the action will be disapproved. If neither approval nor disapproval is supported by a majority of those present and voting, the Council will be deemed to have taken no action.

12.2 RECONSIDERATION

Any member of the City Council who voted with the majority may move a reconsideration of any action at the same meeting. After a Motion for reconsideration has once been acted upon, no other Motion for reconsideration thereof shall be made without the unanimous consent of the Council.

12.3 TIE VOTES

On a Tie Vote, a Motion requiring a majority vote for adoption is a lost Motion. When all Council Members are present, a Tie Vote on whether to grant an appeal from official action shall be considered a denial of such appeal, unless Council takes other action to further consider the matter.

SECTION 13. CONFLICT OF INTEREST

13.1 INTRODUCTION

Occasionally, a Council Member may find himself/herself in a situation which requires that Council Member to remove himself/herself from participation in the decision making process and from voting on a matter before the Council. This situation exists when the Council Member has a "conflict of interest" as defined by applicable laws. These laws establish minimum standards for the conduct of Public Officers and employees who, in their Official capacity, are or may become involved with, a decision

which might unduly affect their personal interests or those of their close relatives. Arizona law to include a "spouse, child, grandchild, parent, grandparent, brother or sister of whole or half blood and their spouses, and the parent, brother, sister or child of a spouse" defines those relatives.

The Legislature has determined that certain economic interests are so remote that they do not unduly influence a person's decisions or actions. These "remote interests" are discussed below. Unless the interest is one of the nine (9) remote interests described in the following subsection, interest is substantial and creates a conflict of interest.

To determine whether a substantial interest exists, a Council Member should ask the following questions:

- A) Will the decision affect, either positively or negatively, an interest of the Council Member or a relative?
- B) Is the interest a pecuniary or proprietary interest, i.e. does it affect a financial or property interest?
- C) Is the interest other than one of the nine (9) remote interests described below?

If the answer to each of these questions is 'yes', then a substantial interest exists which requires disclosure and disqualifications by the Public Officer or employee.

Although Public Officers or employees may not themselves have a substantial interest in a decision in which they are about to participate, if one of the relatives described above has a substantial interest in the decision, the Public Officer or employee must disclose the interest and refrain from participating in the decision.

Council Members are prohibited from suggesting to staff that business be conducted with any firm that the Council Member has a conflict of interest.

If any question exists, the Council Member should request an opinion from the City Attorney prior to the meeting. In accordance with Arizona Revised Statutes, all opinions regarding conflicts of interest shall be filed with the City Clerk.

13.2 REMOTE INTERESTS

Arizona law excludes from the definition of a substantial interest certain enumerated remote interests. Any interest in a decision or contract not falling within the following remote interests is a substantial interest requiring withdrawal from participation:

- (1) Non-profit Corporations. If the Council Member or a relative is a non-salaried officer of a non-profit corporation, he or she has a remote interest in any decision affecting that corporation.

- (2) Landlord/Tenant of a Contracting Party. If a Council Member or a relative is a landlord or tenant of a party contracting with the City, the Council Member has a remote interest in a decision regarding the contract.
- (3) Attorney of a Contracting Party. If the Council Member or a relative represents a client contracting with the City, he/she has a remote interest in a decision affecting the client's contract. For example, if the Council is considering awarding a contract to a contractor which is represented by an attorney who is related to the Council Member, that Council Member's interest in the awarding of the contract is remote.
- (4) Non-profit Cooperative Marketing Associations. If a Council Member or a relative is a member of a non-profit cooperative marketing association, he/she has a remote interest in any decision affecting that association.
- (5) Insignificant Stock Ownership. If a Council Member or a relative owns less than 3% of the shares of a corporation for profit, and if the income from those shares does not exceed 5% of the person's total annual income, he/she has a remote interest in any decision affecting that corporation.
- (6) Reimbursement of Expenses. If a Council Member or a relative is being reimbursed for actual and necessary expenses incurred in the performance of official duties, he/she has a remote interest in any decision affecting that reimbursement.
- (7) Recipient of Public Services Generally Available. If the Council Member or relative is a recipient of public services provided by the City, and if those services are available to the general public, the Council Member has a remote interest in any decision affecting those services.
- (8) Class Interests. If the Council Member or relative is a member of a trade, business, profession or other class of persons, and the interest is no greater than the interest of the other members of the class, the Public Officer or employee has a remote interest in any decision affecting the class. For example, if the Council was considering a decrease in TLD&B tax and a Council Member's son owned a business subject to the tax, the interest is remote because the son benefits no more or less than other owners of such a business.
- (9) Interests of Other Agencies. A Public Officer or employee may participate in a decision that indirectly affects a relative who is an Officer or employee of another public agency. For example, the head of the state agency responsible for allocating funds to local governments could participate in such decisions even though his/her spouse was an Officer or employee of the local government. If, however, the decision confers some direct economic benefit or detriment resulting in the termination of a spouse's employment by the local government, a conflict of interest is present.

If any question exists, the Council Member should request an opinion from the City Attorney prior to the meeting.

13.3 RESTRICTIONS ON CONTRACTS FOR SUPPLIES OR SERVICES

A Council Member or relative is prohibited from selling the City supplies, equipment or services.

13.4 DISCLOSURE OF INTEREST

The City must maintain for public inspection all documents necessary to memorialize all disclosures of substantial interest. Any Council Member who has a conflict of interest in any decision must disclose that interest. The Council Member may either file a signed written disclosure statement fully disclosing the interest, or declare the existence of the conflict and the reasons at a Council meeting and then ensure that a copy of the official Minutes is filed in the Clerk's office in the file containing Conflict of Interest disclosures. The disclosure of the conflict shall include a statement that the Council Member withdraws from further participation regarding the matter.

13.5 WITHDRAWAL FROM PARTICIPATION

The Council Member, having disclosed the conflict of interest and withdrawn in the matter, must not communicate about the matter with anyone involved in the decision making process in order to avoid the appearance of impropriety. Further, the Council Member should not otherwise attempt to influence the decision and should remove himself/herself from the Council table while the matter is considered.

13.6 RULE OF IMPOSSIBILITY

In the unlikely situation the majority of Council Members have a conflict of interest and the Council is unable to act in its Official capacity, Members may participate in the Council's decision after making known their conflicts of interest in the official records.

13.7 IMPROPER USE OF OFFICE FOR PERSONAL GAIN

Public Officers are prohibited from using or attempting to use their Official position to secure valuable things or benefits for themselves, unless those are part of the compensation they would normally be entitled to for performing their duties. It is a Class 4 Felony for a public servant to solicit, accept, or agree to accept any benefit upon an understanding that his or her vote, opinion, judgment, or their Official action may thereby be influenced. It is a Class 6 Felony for a Public Officer to ask to receive any unauthorized gratuity or reward or promise of a gratuity or reward for doing an Official act.

13.8 SANCTIONS FOR VIOLATIONS

- A) Knowingly or intentionally violating any provision of the conflict of interest laws is a Class 6 Felony.
- B) Negligent or reckless violation of the law is a Class 1 Misdemeanor. This means that one may be prosecuted for failure to disclose a conflict of interest, even those of which he/she did not, but should have known.
- C) Upon conviction of a violation of the conflict of interest laws, a Public Officer forfeits the public office.
- D) Any contract made by the City is subject to cancellation if anyone significantly involved in the contract process on behalf of the City was or is also employed by or acted as consultant to any other party to the contract during the time the contract or extension to the contract is in effect.
- E) Any person who is affected by a City decision made in violation of the conflict of interest laws, may sue to have the contract or decision declared null and void. The court may award costs and attorney's fees to the prevailing party. Persons claiming that a Council Member had pecuniary interest in making a decision against them may also file suit in state or federal court alleging a violation of their civil rights.

13.9 NON-STATUTORY CONFLICTS OF INTEREST

Occasionally, a Council Member may feel that he/she should ethically refrain from participation in a decision even though the circumstances may not amount to a conflict of interest under the state law described above. It is the Policy of the City Council to encourage Council Members to adhere strongly to ethical values which are exercised in good faith.

13.10 PUBLIC STATEMENTS AND CORRESPONDENCE

The Mayor and Council, in the normal course of business, are free to respond and take positions on issues as they deem appropriate. Unless and until the Mayor and Council take an Official position on an issue as a collective public body in a public meeting, any statements or written correspondence should clearly reflect that the position taken is that of the individual in the individual's respective capacity.

13.11 ENTRANCE AND TICKETS TO CITY SPONSORED EVENTS

The Community and Recreation Services Department will distribute to the Mayor through the Council's Administrative Assistant, two (2) event access passes for the Mayor and each Council Member to be utilized for entry into Surprise Stadium or any other City sponsored events. The passes are not transferrable and good only for the calendar year.

A ticket order form will be distributed 60 days prior to a Spring Training game, tennis tournament and/or special events. The ticket order form will require that each request identify the individual, group or organization that will benefit. Additional tickets may also be acquired by using the ticket order forms. The intent of this process is to promote transparency and encourage advance requests and purchases.

Spring Training tickets and other event tickets may be utilized for a number of Official City of Surprise public relation opportunities. These opportunities may include:

- Building relationships with residents with regard to City purpose and or business;
- Promoting business and or opportunities in the City of Surprise;
- Promoting relations with other municipalities;
- Promoting corporate partnership and or development.

Each Council member should complete the appropriate ticket request form and submit it to the CRS office by the requested deadline. The Community & Recreation Services Department will process each request upon receipt of a completed form. All ticket requests will be filled on a "best available" basis, the same process afforded to the general public. Upon issuance of tickets, CRS staff will contact the Mayor and Council's Administrative Assistant to process payment and disperse tickets accordingly.

Requested tickets will be funded directly through a Council Member's discretionary fund account. The Mayor and Council Members may elect to purchase as many tickets as desired within the limits of their discretionary fund under the terms and conditions set forth herein.

Nothing in this section, however, shall preclude the City from establishing special functions at events to promote the City (i.e. Mayor's Welcome Back function at Spring Training for the Rangers and Royals).

13.12 USE OF THE BLOCK PARTY TRAILER

The Block Party Trailer is available for use in organizing neighborhood block parties with the intent of promoting neighborhood building and civic engagement as well as marketing City programs such as Block Watch or Neighborhood Associations. This support includes free use of equipment within the trailer. No cooking is permitted. Any other cost shall be borne from the Council Member's discretionary funds. Block parties may not be held to promote religious, political, or individual interests. The trailer must be reserved a minimum of two (2) weeks in advance, and is booked on a first-come, first-served basis."

13.13 Surprise Channel 11 "Council Conversations"

City Council members shall be featured in a quarterly, 30-minute program entitled "Council Conversations" in order to communicate with constituents about events, activities and actions of the member. The member may request taping of the program at any time during the quarter not to exceed one per quarter. Quarters are defined as January-March; April-June; July-September and October-December.

The program is taped in the studios of Surprise 11, at the Public Safety Building.

A) The topic matter and the guest(s) shall be of the Council member's choosing, with the following proscriptions:

1. No commercial promotion in the sense that the phrase is commonly understood, i.e.:
 - a. Although a new business may be featured as an important new part of the community, discussing "specials" or exhorting viewers to patronize the business is not appropriate.
 - b. Although a business or group of businesses may be featured as part of a discussion of business issues, and the locations may be given as part of the identifying information, encouraging listeners to patronize the business (es) is not appropriate.
 - c. Other scenarios that would constitute promotion of a private business, or activities on the program that would encourage viewers to patronize a particular business over other businesses in the community, are not appropriate.
2. No violation of the rules regarding electioneering on Surprise 11 is permitted.

B) The production values included in the program can be:

1. Studio-generated full screen or lower third informational fonts.
2. Illustrative video b-roll of a particular event featured in the program.
 - a. If the footage can be gathered with an expenditure of staff time and resources not to exceed:
 - i. One hour of field shooting
 - ii. One hour of post production

- C) Once per year, each Council member may tape an "on location" Council Conversations program in an off-site area in Surprise:
 - 1. Field interview production is limited to one-camera, live on tape, with a maximum of three audio sources.
 - 2. Walk/talk scenarios, "tours" of a location or b-roll of activities at the location may be included.
- D) Council members may host the "Council Conversations" program, work with Communications staff who can host the program, or some combination.
 - 1. If a Council member hosts, scripting services and floor management services can be provided.
- E) The "Council Conversations" program shall air at regularly scheduled times which offer each member's program equal amounts of exposure in each of the day parts.
 - 1. The program will be available via www.surpriseaz.com and will be archived there.
 - 2. The program may also be linked from the Council member's web site as the member sees fit.
- F) The Council member shall be provided CD copies of "Council Conversations" for distribution to guest(s) who appeared on the program.
 - 1. Additional copies can be provided at the standard reproduction rate.

Nothing in this policy shall preclude the videotaping of special events (i.e. State of the City Address, Surprise Party, Tennis events, etc.) as determined appropriate by the City.

13.14 BOARDS AND COMMISSIONS

Annually, prior to the adoption of the Budget, each Board and Commission shall submit and present to the Council an annual work plan. Quarterly, each Board and Commission shall give a 15-minute update on the progress of meeting the annual work plan objectives to the Council.

SECTION 14. TRAVEL POLICY

14.1 PURPOSE

The purpose of this Policy is to define and clarify authorized reimbursable expenses. It includes, but is not limited to travel, business meals, lodging, conference expenses,

professional memberships, employee functions, and other related expenditures incurred while conducting City business, and to establish procedures for authorization and reimbursement of such expenses. Reasonable accommodations shall be made upon request by individual Council Members.

14.2 PAYMENT MECHANISM

All expenses authorized under this Policy shall be reimbursed to the Council Member or pre-paid to a third party in advance by the City of Surprise. Council Members shall not be issued a procurement card. The Council Members shall use a personal credit card or cash and receive a reimbursement for all authorized expenses, unless approved by Council in accordance with Section 14.3 (E).

14.3 AUTHORIZED EXPENSES

City funds, equipment, supplies (including letterhead), titles, and staff time must only be used for authorized City business. Expenses incurred in connection with the following types of activities generally constitute authorized expenses, as long as the other requirements of this Policy are met:

- A) Communicating with representatives of regional, state and national government on City adopted Policy positions;
- B) Attending educational seminars designed to improve Officials' skill and information levels;
- C) Implementing a City-approved strategy for attracting or retaining businesses to the City, which will typically involve at least one staff member;
- D) Overnight stays for multi-day meetings or conferences are permitted if a meeting or an event starts on or after 7:00 p.m. on the preceding day and before 9:00 a.m. the next day and the travel time during the busiest period for the commute exceeds one hour; and
- E) All other expenditures require prior approval by the City Council.

The following expenses also require prior City Council approval:

- A) International travel;
- B) Expenses which exceed the annual budget travel and training line item
- C) Expenses exceeding \$4,000 per trip; and
- D) Use of a City procurement card in lieu of a personal credit card.

Examples of personal expenses that the City will not reimburse include, but are not limited to:

- A) The personal portion of any trip;

- B) Personal political or charitable contributions or events;
- C) Family expenses, including partner's expenses when accompanying Official on agency-related business, as well as children- or pet-related expenses;
- D) Personal entertainment expenses, including theater, movies (either in-room or at the theater), sporting events (including gym, massage and/or golf related expenses), or other cultural events;
- E) Non-mileage personal automobile expenses, including repairs, traffic citations, insurance or gasoline; and
- F) Personal losses incurred while on City business. Any questions regarding the propriety of a particular type of expense should be resolved by the approving authority before the expense is incurred.

14.4 TRANSPORTATION

The most economical mode and class of transportation reasonably consistent with scheduling needs and cargo space requirements must be used, using the most direct and time-efficient route. Charges for rental vehicles may be reimbursed under this provision if more than one (1) city/county/district official is attending an out of town conference, and it is determined that sharing a rental vehicle is more economical than other forms of transportation. In making such determination, the cost of the rental vehicle, parking and gasoline will be compared to the combined cost of such other forms of transportation. Government and group rates must be used when available.

A) Airline Travel

Domestic Air - All Council Members shall utilize coach or tourist class accommodations when traveling within the continental United States by commercial airline. Reservations, where possible, should be made at least 14 days in advance to take advantage of all available discounts. Increased fees related to late booking may be disallowed without a sound business reason. Travel should be charged on a City credit card or, when necessary, charged on a personal credit card. Personal credit card purchases will be reimbursed only for the actual round-trip fare and only after the trip. Council Members may, at their own expense, pay to upgrade their airline accommodations.

International Air - For travel outside of the continental United States, Council Members may choose to travel business class with sound business justification and benefit to the City.

B) Private Automobile

Council Members will be reimbursed for actual mileage for the use of their private cars in travel to and from designated place(s) on City business. The

reimbursement rate will be at the current Internal Revenue Service rate (see www.irs.gov). These rates are designed to compensate the driver for gasoline, insurance, maintenance, and other expenses associated with operating the vehicle. This amount does not include bridge and road tolls, which are also reimbursable. The Internal Revenue Service rates will not be paid for rental vehicles; only receipted fuel expenses will be reimbursed.

C) Garage and Parking Expenses

Expenses for necessary parking and storage of private or City vehicles may be authorized. Receipts should be provided to obtain reimbursement.

Airport Parking – Long-term parking must be used for travel exceeding 24 hours.

D) Vehicle Rentals, Taxi, and Transit Fare

Out of town expenses for such transportation may be authorized where reasonable and necessary to conduct City business. Receipts must be provided to obtain reimbursement. When vehicle rental is chosen over taxi or shuttle service, there should be a business reason or economic benefit to support the rental decision. If rental vehicle is subsequently denied, the related parking fees will also be denied and the Council Member will be reimbursed the round trip shuttle charges.

Rental car used as the primary source of transportation from a Council Member's home to and from the destination is considered a personal vehicle and will be reimbursed actual expenses not to exceed mileage allowance.

Taxis or shuttles fares may be reimbursed, including a 15% gratuity per fare, when the cost of such fares is equal or less than the cost of car rentals, gasoline and parking combined, or when such transportation is necessary for time-efficiency.

E) Lodging

Lodging expenses will be reimbursed or paid for when travel on official City business reasonably requires an overnight stay.

If such lodging is in connection with a conference, lodging expenses must not exceed the group rate published by the conference sponsor for the meeting in question if such rates are available at the time of booking. If the group rate is not available, travelers must request government rates, when available. Hotels that offer government rates can be found at: <http://www.gsa.gov/Portal/gsa/ep/programView.do?pageTypeId=8211&ooi>

d=18916&programPage=%2Fep%2Fprogram%2FgsaDocument.jsp&programId=11262&channelId=-16861. Lodging rates that are equal or less to government rates are presumed to be reasonable and hence reimbursable for purposes of this Policy.

In the event that government rates are not available at a given time or in a given area, lodging rates that do not exceed the median retail price for lodging for that area listed on web sites like www.priceline.com or an equivalent service shall be considered reasonable and hence reimbursable.

F) Meals

1. Per Diem

The daily per diem amount will be the amount listed in IRS publication 1542, Tables 3 and 4. Publication 1542 will be available on the Intranet (Finance Department) and will be updated as necessary by the Finance Department.

- i) The first day the Council Member is in travel status, the per diem will be prorated and rounded to the nearest whole dollar based on the beginning time of their in-travel status as follows:

<u>Travel Status Begins</u>	<u>% of Per Diem for Day One</u>
Prior to 10:00 a.m.	100%
Prior to 1:00 p.m.	81%
Prior to 6:00 p.m.	48%

- ii) For subsequent days, except the return day, while in travel status per diem will be paid at one hundred percent (100%) of the per diem amount.
- iii) The last day the Council Member is in travel status, the per diem will be prorated and rounded to the nearest whole dollar based on the ending time of their in-travel status as follows:

<u>Travel Status Ends for Final Day</u>	<u>% of Per Diem</u>
Prior to 10:00 a.m.	48%
After 10:00 a.m. and prior to 6:00 p.m.	81%
After 6:00 p.m.	100%

- iv) Banquets and/or events purchased outside the registration fee or the primary purpose of the trip are the responsibility of the Council Member.

- v) Alternatively, a Council Member may be reimbursed for all expenditures, so long as the member provides the appropriate documentation. The amount of reimbursement for any single day shall not exceed \$100.

2. General Business Meals

Council Members who, during the normal course of performing their duties, must provide meals for representatives of other governmental agencies or other persons doing business with the City in order to most effectively execute their responsibilities are authorized to exceed the meal allowance, but must use prudent judgment and are subject to challenge for excessive amounts. In such cases, the meal must be documented with a description of the purpose of the meal(s), including an explanation of its necessity to the City; and a list of all persons, including other Council Members who were in attendance, specifying their organization and/or title. Expenses for persons not related to the conduct of City business shall be deducted from the Travel Reimbursement Request.

The City will not pay for alcohol/personal bar expenses.

G) Telephone/Fax/Cellular

Telephone, telegraph, and fax expenses may be incurred only for the conduct of City business. One (1) daily telephone call to a Council Member's family for a reasonable duration will be reimbursed by the City. Telephone bills should identify which calls were made on City business/Council Members are encouraged to use cell phones when available.

H) Internet

Officials will be reimbursed for Internet access connection and/or usage fees away from home, not to exceed \$30 per day, if Internet access is necessary for City-related business.

I) Other

1. Baggage Handling

Baggage handling fees of up to \$2 per bag and gratuities of up to 15% will be reimbursed. Expenses for which Council Members receive

reimbursement from another agency are not reimbursable. Additionally, Council Members shall receive reimbursement for any airline checked baggage fees.

2. Tips and Gratuities

Reasonable expenses for tips are allowable for meals (as limited above), hotel, and transportation purposes, with or without a receipt.

3. Registration Fees

Convention or meeting registration fees qualify for reimbursement. The City will pre-pay conference registrations prior to the date of the event. In cases where early registration is not possible, a receipt or registration form documenting the fee must be provided with the reimbursement request. In all cases, a brochure or registration document must accompany the payment voucher or petty cash voucher.

4. Miscellaneous

All items of expense otherwise unclassified shall be considered in this category. Examples of such expenses which may be authorized are public stenographer fees, duplicating expenses, memberships in professional City-related organizations, and the cost of publications of value to the City or to the Council Member in furtherance of his/her Official duties. Other expenses as necessary when traveling on City business may be allowed and should be included within this classification when requesting reimbursement.

It is the Policy of the City that no Council Member shall sustain personal monetary loss as a result of duties performed in the service of the City. However, all expenditures and requests for reimbursement shall logically relate to the conduct of City business and shall be "necessary" to accomplish the purposes of such business and shall be "reasonable" in amount.

14.5 NO SHOWS AND LATE CANCELLATION

This section addresses situations where a Council Member fails to attend a conference or general business meeting, after incurring expenses for that event. Such expenses may include conference fees, prepaid hotel charges, and airline charges. If a Council Member is unable to attend a planned trip, including a conference or general business meeting, it is the Council Member's responsibility to ensure that any pre-paid fees are refunded to the City. For any fees not fully refunded, the Council Member shall attach a written explanation to the Travel Reimbursement Request form addressing the reason(s) the Council Member was unable to attend.

14.6 EXPENSE REPORT CONTENT AND SUBMISSION GUIDELINES

The Chief Financial Officer (CFO), in coordination with the City Manager and the City Attorney, will develop standard forms and guidelines to implement this Policy. Each Council Member will be kept updated regarding any changes to the standard forms and guidelines;

Council Members will submit reimbursement requests to the CFO or standard "Expense Report Forms," along with the Documentation of Actual Costs. This form shall include the following advisory;

All expenses reported on this form must comply with the City of Surprise policies relating to expenses and use of public resources. The information submitted on this form is a public record. Penalties for misusing public resources and violating the City of Surprise reimbursement Policy include loss of reimbursement privileges, restitution, civil and criminal penalties as well as additional income tax liability.

Expense reports must document that the expense in question met the requirements of this Policy. For example, if the meeting is with a legislator, the Council Member should explain whose meals were purchased, what issues were discussed and how those relate to the City adopted legislative positions and priorities;

Officials must submit their expense reports within 30 days of an expense being incurred, accompanied by receipts documenting each expense. Restaurant receipts, in addition to any credit card receipts, are also part of the necessary documentation.

14.7 ENFORCEMENT

The Council Member bears the responsibility to provide all documentation supporting the claimed reimbursement. Inability to provide such documentation in a timely fashion may result in the expense being borne by the Official.

If the Chief Financial Officer (CFO) determines that the request is made in accordance with this Policy, then reimbursement will be made accordingly;

- 1) If the CFO determines that all or some portion of the request does not comply with this Policy, the CFO shall notify the Council Member of the basis for the determination;
- 2) If the Council Member is able to provide additional information or documentation such that the CFO determines that the request is made in accordance with this Policy, then reimbursement will be made accordingly;
- 3) If the CFO does not determine that the request is made in accordance with this Policy, then the Council Member may request a meeting with the City Manager, the City Attorney, and the CFO to

determine if the request has been made in accordance with this Policy;

- 4) If a meeting requested under Section 4 does not result in a determination satisfactory to the Council Member, the Council Member may submit the request to the City Council to determine whether the reimbursement will be made to the Council Member.

If a Council Member has any comment (question or concern) regarding the implementation of this Policy, the comment may be submitted to the CFO, the City Manager, or the City Attorney.

If a Council Member has any proposed change to this Policy, the proposed change may be submitted to the City Council for consideration.

14.8 COMPLIANCE WITH LAWS

All agency expenditures are public records subject to disclosure under the Arizona Public Records Law.

14.9 VIOLATION OF THIS POLICY

Use of public resources or falsifying expense reports in violation of this Policy may result in any or all of the following: 1) loss of reimbursement privileges, 2) a demand for restitution to the City, 3) the City's reporting the expenses as income to the Elected Official to state and federal tax authorities, and 4) prosecution for misuse of public resources.

All expenses are subject to verification that they comply with this Policy.

14.10 PUBLIC TRIP MEETING REPORTING

A Council Member requesting reimbursement shall provide a brief report on meetings attended at the expense of the City of Surprise at the next Regular meeting of the City. The reports may be presented in writing on the consent calendar of the Agenda. The report may be made orally or in writing.

SECTION 15. CELL PHONE POLICY

15.1 PURPOSE

To establish a Policy governing the use of cellular telephones, monthly stipends, and reimbursements for Elected Officials of the City of Surprise.

15.2 POLICY

The City of Surprise Information Technology Department shall act as the centralized department for managing cellular telephone use. This includes identifying requirements; purchasing City cellular telephones; reviewing cellular telephone bills; determining controls and methods to be implemented; implementing/administering necessary controls; monitoring status and conducting audits.

CELL PHONE REIMBURSEMENT

- A) Eligibility – Elected Officials are eligible to receive either a City-issued cell phone or receive a monthly stipend for the business use of a personal cell phone.
- B) City-Issued Cellular Phone or Stipend Option – The Elected Official will determine if they will receive either a City-issued cellular telephone or the monthly stipend.
- C) Stipend Amount – The amount of the monthly stipend shall be determined in three categories – low, moderate and high. The Information Technology Operations Manager or designee will determine the amount each year by evaluating multiple providers' pricing plans for appropriate usage and service levels. The "high" usage amount may only be used for those Elected Officials that have provided documentation of usage and service levels appropriate for their job role and approved by the City Manager. The determination of placement in an amount category shall be made by factoring the Elected Official's assigned duties with expected or demonstrated (three (3) month average) cellular telephone usage, service offering and rate plans. Such an evaluation will be the responsibility of the Information Technology Operations Manager or designee.
- D) Elected Officials receiving the monthly stipend shall be solely responsible for acquiring their own cellular telephone, replacing the batteries, maintaining the cellular telephone and paying the cellular telephone bill arising from the use of the cellular telephone. Reimbursements will not be issued by the City to Elected Officials who incur charges above and beyond their monthly stipend. Use of the City procurement card for phones, PDA's or phone accessories is prohibited.
- E) City-issued cell phones are to be used for business purposes only. When a City-issued cell phone must be used to make or receive a personal call, the Elected Official shall reimburse the City as provided herein.

Prior to receiving the monthly stipend, the Elected Official shall provide the following:

- A) The "Stipend for Personal Cellular Telephone Use Form" must be submitted to the Information Technology Operations Manager or designee and have the Elected Official's signature prior to processing.

- B) Proof of a valid new or existing service contract with a cellular telephone service provider.
- C) A current cellular telephone number to be kept on file at all times. The Elected Official is solely responsible for notifying the Information Technology Operations Manager or designee with any changes to the cellular telephone number.
- D) The monthly stipend amount is subject to all applicable state and/or federal payroll taxes.
- E) Text messaging services will be required on all cellular phones utilized by Elected Officials.
- F) Support for data capable cell phones under the stipend program is limited to those brands and models that have been tested and approved by Information Technology. If a cell phone is purchased with data services and is not on the approved list then only phone services will be implemented and supported.

15.4 PERSONAL USE

Generally, personal use of a City-issued cellular telephone is not permitted during business hours. However, the City realizes that occasionally situations arise that warrant limited personal use of the cellular telephone. Such situations should be restricted to bona-fide family emergencies, unforeseen work schedule changes or other similar situations wherein it would be impossible or otherwise very inconvenient to find a City landline telephone or public pay phone.

15.5 REIMBURSEMENT FOR USE OF A PERSONAL CELL PHONE

If an Elected Official is not the recipient of either a City-issued cellular telephone or a monthly stipend, and circumstances necessitate the use of a personal cellular telephone to conduct City business; a reimbursement for that usage is permitted upon completion of a "Petty Cash Form."

- A) The "Petty Cash Form" and a copy of the itemization of calls made must be submitted to Accounts Payable and comply with current petty cash procedures.
- B) Reimbursement shall be based on the number of minutes expended on City business multiplied by the average cellular telephone per minute rate, as described within the Information Technology "Cell Rate Charge Document."

15.6 SPECIAL ARRANGEMENTS

If an Elected Official does not have a cellular telephone and they know in advance they will need a cellular telephone for business purposes during short periods, less than

five (5) business days, arrangements should be made to obtain a cellular telephone on loan from the Information Technology department via a Help Desk request.

15.7 CELLULAR TELEPHONE POLICY REVIEW

All Elected Officials shall review and sign the "Cellular Telephone Policy Review Form" and return it to Human Resources within 30 days of election into office.

15.8 CITY-ISSUED CELLULAR TELEPHONE USES

City-issued cell phones are to be used for business purposes only. When a City-issued cell phone must be used to make or receive a personal call, the Elected Official shall reimburse the City as provided herein.

15.9 PROHIBITED USES

Personal use of a City-issued cellular telephone may never involve illegal activities or activities that could result in the loss of public trust.

15.10 CELLULAR TELEPHONE SERVICES

Cellular telephone services will be determined by the Information Technology Operations Manager. Exceptions to recommended or standard plans including additional services shall require written approval by the City Manager. Data services will be limited to approved phones and models.

15.11 USE DURING TRAVEL

Personal calls are allowed while traveling for business as indicated in the City of Surprise Travel Policy.

15.12 REPLACEMENT OF CELLULAR TELEPHONE

Elected Officials shall be responsible for replacing a City-issued cellular telephone if the cellular telephone is lost or destroyed, unless such loss or destruction takes place during the normal course of City business.

15.13 MONTHLY STATEMENT REVIEW AND RETURN

The Telecommunications Administrator shall provide Elected Officials using a City-issued cellular telephone with a monthly itemized statement and an attached memo for review and signature. Elected Officials shall review statements for any personal calls. Upon review, if reimbursement is required, the Elected Official shall pay the Finance Cashier within 30 days of receiving the statement. The Elected Official shall not be required to pay more than the actual amount paid by the City for the individual cell phone account.

15.14 PERSONAL USE CHARGES

Personal use charges shall be computed based on the number of minutes expended on personal calls multiplied by the average cellular telephone rate as described within the Information Technology "Cell Rate Charge Document."

15.15 MONTHLY STATEMENT RETENTION

Elected Officials shall review monthly statements for their City-issued cell phone and shall review, sign, and return the statement and reimburse the City for the cost of all personal calls over the actual monthly cost to the City for the phone within 30 days of receipt of the statement. Personal use is computed based on the number of minutes multiplied by the average cellular telephone rate as determined by the IT Department. Monthly statements will be kept on file as required by the Arizona State Library and Archives division governing public records for municipalities.

Elected Officials who receive a monthly stipend for business use of a personal cell phone shall complete a Stipend for Personal Cellular Telephone Use and submit same to the IT Department along with proof of a valid new or existing cell phone service contract.

SECTION 16. DISCRETIONARY FUND GUIDELINES

16.1 DISTRICT FUNDS ELIGIBLE EXPENDITURES

- A) Expenditures that provide additional services to the City or District that are not part of the adopted budget. Examples include: Block Watch, Neighborhood Programs, Fire Prevention Programs, CPR Training, Special Solid Waste Pick-ups, Special Informational Programs (i.e. Water Conservation Program), HOA park amenities, and social gatherings for the individual district community. Mayor/Council Member may help financially with the purchase of food supplies and entertainment and the costs incurred for the Party Trailer. No Council Members' names shall appear on items without Council approval.
- B) Newsletters – Will be used to inform the District of City actions, current events, and various community activities.
- C) Purchase of giveaway items such as: City lapel pins, pencils, pens, etc. that promote the City of Surprise, not individual Mayor/Council Member.
- D) No funds can be used that conflict with state law.

16.2 AUTHORIZATION

All purchasing and expenditures will be processed in accordance with the City's procurement code. All documentation including receipts must be turned into the City Clerk's office within five (5) business days of purchase.

If a Council Member spends outside the defined purchasing procedures or exceed their district fund allocation, they will be responsible for repayment of the amount from their personal funds within 30 days. If not paid in full the remaining balance will be deducted from Council Member's pay.

16.3 TRANSFER OF FUNDS

Individual Council Members may authorize the transfer of their district funds to another Council Members district with the approval of both Council Members.

16.4 SPECIAL EVENTS

All Citywide special events are to be organized and managed by the appropriate departments.

16.5 QUARTERLY REPORTS

The Finance Department will provide expenditure reports on a quarterly basis. These reports will be posted on the City web site.

16.6 DISTRICT FUNDS NON-ELIGIBLE EXPENDITURES

- A) Expenditures that create a requirement for new on-going funding to maintain and operate by the City.
- B) Expenditures that have been rejected by the City Manager for inclusion in a departmental budget or capital improvement.
- C) Expenditures for regular on-going maintenance and/or operations that are a part of a department's normal responsibility.

SECTION 17. ETHICS

It is the Policy of the City of Surprise to uphold, promote, and demand the highest standards of ethics from all of its Officials, whether Elected or Appointed. Accordingly, all members of City boards, commissions, committees, the City Council, and Appointed Officials shall maintain the utmost standards of personal integrity, truthfulness, honesty and fairness in carrying out their public duties, avoid any improprieties in their roles as public servants, comply with all applicable laws, and never use their City position or powers improperly or for personal gain.

The City of Surprise, its Elected Officials, advisory board members, commissions, committees and Appointed Officials all share a commitment to ethical conduct in service to their community. This Ethics Policy has been created to ensure that all Elected and Appointed Officials and advisory board members have clear guidance for carrying out their responsibilities.

This Policy is intended to supplement and does not supersede in any way, the Arizona Revised Statutes and the City of Surprise Municipal Code applicable to the City of Surprise Officials, whether elected to City Council or appointed to advisory boards.

17.1 APPLICABLE LAWS AND POLICIES

A) General Character

Elected and Appointed Officials are often called upon to make decisions that affect various groups and individuals adversely. Balancing diverse constituent interests is difficult. Note: Examples are used in certain portions of this Policy to illustrate the meaning of the text. Examples are intended to describe some situations of ethical or unethical conduct under this Policy. The examples are not intended to be, and shall not be interpreted to be, the sole situation to which the text applies.

While someone will always be disappointed in decisions, Officials shall adhere to ethical standards that eliminate disappointment borne of dishonesty, conflicts of interest, unfairness or illegality. Preservation of public trust is critical for the preservation of democracy.

A certain amount of detail is required in any ethics policy so that it serves as a clear guide. However, at the core of ethical behavior are some basic standards that Officials shall use to reach a level of conduct that strives to be beyond reproach. Treating others as you would have them treat you is always a good ethical test. Another standard is to reflect on how your actions or decisions might be viewed by persons you or the public holds in high regard because of their ethical integrity.

1. Honesty and Integrity

Honesty and integrity shall be the primary values in all issues. The public trust in the City Council and citizen boards can be a reality only when Public Officials are truthful.

2. Fairness and Respect

All issues and citizens shall be handled with fairness, impartiality and respect. Elected and Appointed Officials have an obligation to treat

all citizens fairly, such as by dividing time reasonably among potential speakers on an issue at a public hearing or meeting. In reviewing, discussing and deciding issues, City Council Members, citizen advisory board members and all Appointed Officials have an obligation to be accessible, open and direct, not only with the other members of the Council or board, but also to the citizens and business representatives who appear before them. The public is entitled to communicate with their public servants and understand the position of the Council and boards on public issues.

3. Effort

Elected and Appointed Officials have an obligation to attend meetings and to be prepared. It is expected that these Officials will review the materials, participate in discussions and make an informed decision on the merits of the issue.

B) Conflict of Interest

Elected and Appointed Officials must be constantly on guard against conflicts of interest. In short, Elected and Appointed Officials shall not be involved in any activity which conflicts with their responsibilities to the City and its residents. The people of Surprise have a right to expect independence and fairness toward all groups without favoring individuals or personal interests.

1. Self-Dealing and Financial Disclosure

Arizona conflict of interest laws apply to all Elected and Appointed Officials, who must be consistently aware of any potential issues which may appear to be self-dealing. Officials must not be involved in discussing or deciding any issue over which they have jurisdiction as a Council or board member which may impact the member, or the member's family, financially.

It should also be noted that Council Members must comply annually with the Financial Disclosure Act – see A.R.S. § 38-541-545.

2. Disclosure of and Policy on Acceptance of Gifts and Favors

Arizona law prohibits Elected and Appointed Officials from receiving anything of value or any compensation other than their normal salary for any service rendered in connection with that person's duties with the City – see A.R.S. § 38-505(A).

Elected and Appointed Officials must consider ethical principles before accepting personal gifts of entertainment and sports/athletic activities.

Within two (2) business days of receipt of the following gifts or favors in Surprise, or within two (2) business days of returning to Surprise after receipt of a gift of favor while traveling outside of Surprise, Elected and Appointed Officials shall disclose in writing to the City Clerk all gifts, benefits, or favors received from people with a financial interest in business before the City, or which may come before the City, that relate to professional or collegiate sports, athletic, or entertainment activities or tickets, or have a face value of \$50 or more, amount subject to periodic review.

Under no circumstances shall a Council Member, board member, or other Appointed Official accept a gift or favor that is a bribe, or reflects, to a reasonable person, an effort to improperly influence the member contrary to that member's responsibility to the public to act impartially and on the merits of a matter.

When in doubt about these requirements, Elected and Appointed Officials shall disclose the gift, benefit or favor. All disclosures will be kept for public record in the City Clerk's office.

In summary, you can follow this checklist:

- Does the gift or favor come from someone with business before the City or which may come before the City?
- Does the gift or favor exceed \$50 in value, or consist of the type of sports or entertainment tickets described above?
- Did you accept the gift or favor for yourself or another?

If you answer 'yes' to all these questions, then the gift or favor has to be reported to the City Clerk.

If you answer 'no' to any of these questions, then the gift or favor does not have to be reported to the City Clerk unless it represents a bribe or other improper influence as described above.

Gifts having a value greater than \$50 that are donated to the City or a bona fide charity also do not need to be reported.

This section does not apply to gifts exceeding \$50 in value and are intended for the City rather than as a personal gift to a Council Member, board member or other Appointed Official. These items are City of Surprise property. Elected and Appointed Officials who

receive a gift on behalf of the City exceeding \$50 in value shall promptly turn the gift over to the City Manager for public display or other appropriate handling.

3. Loyalty

Elected and Appointed Officials have an obligation to put the interests of the City of Surprise over all personal considerations. Their goal should be "what is in the best interest for the broadest public good of the City of Surprise, consistent with constitutional and other legal protections for minority, property, and other interests."

C) Legal Compliance

1. Meetings

Public Access: Open meetings and Public Records Discussion of issues which may appear before the Council or citizen board shall be prohibited when a situation arises where a quorum of the Council or board exists. Numerous Arizona and City laws require that meetings of public bodies be open to the public and that public records be available for inspection – see Open Meeting Laws A.R.S. § 38-431 through 431.09 & Public Records Laws A.R.S. § 39-121 through 121.03.

2. Attendance

a. Mayor and City Council

Duly noticed meetings of the City Council include Regular Council meetings, Special Council meetings, study sessions, Policy sessions, executive sessions, budget review meetings, and Council committee meetings to which a Council Member is assigned.

Through this Ethics Policy, the City Council finds that personal illness, family emergencies, military absences, family weddings, family graduation exercises, bona fide business and vacation trips constitute good cause for non-attendance at Council meetings.

b. Boards, Commissions and Committees

Members of City boards, commissions and committees are expected to attend all regularly scheduled meetings and should make every effort to do so. The City Council appoints

members for their experience, background and perspective in a particular policy area, and desires the benefit of knowledgeable consideration and judgment. Moreover, boards, commissions and committees cannot conduct any business unless a quorum is present. Members should notify the Chairperson of the board or the staff liaison regarding any meeting missed or to be missed.

3. Disclosure of Confidential Information

Arizona law provides that, during a person's employment or service with the City and for two (2) years thereafter, no member of a City board, commission, committee or the City Council may disclose or use confidential information without appropriate authorization – see A.R.S. § 38-504(B). For example, confidential information includes discussions during executive sessions and certain economic development information such as prospect leads.

4. Discrimination and Harassment

Public decision-making must be fair and impartial and shall not be discriminatory on the basis of those protected classes, such as racial and religious groups, outlined in federal, state, and City laws and ordinances.

It is the Policy of the City of Surprise that Elected and Appointed Officials conduct business and operate in a manner that is free from illegal discrimination on the basis of age, sex, color, race, disability, national origin, or religious persuasion, both internally and in the relationships of the Elected and Appointed Officials with their constituencies.

In addition, it is the Policy of the City of Surprise that Elected and Appointed Officials strive to create an operating environment internally and in the relationships of the Elected and Appointed Officials with their constituencies, that is productive and free from intimidation, hostility or other adversity. Harassment of any sort - verbal, physical, visual including intentional and unwarranted actions that would constitute sexual harassment were they to occur in an employment relationship, by any Elected or Appointed Official, is prohibited and is considered a violation of this Ethics Policy.

D) Political Activities

Elected and Appointed Officials shall not use their political or appointed office to advance private interests. The prohibited activities are outlined in State Statute.

Elected and Appointed Officials and candidates shall not engage in political campaigning at City meetings or within City buildings. They shall also not use public resources for political campaigning. For example, candidates or supporters of candidates shall refrain from circulating petitions during a City meeting and refrain from soliciting City employees to support their specific cause. Council and board members are free to express their opinions about the public issues on the Agenda before them, but they must not make campaign speeches at Council or board meetings touting their, or another's candidacy. Nor may they urge residents to vote for them or another, through words, signs, buttons or other means, during duly noticed meetings of the City Council or its citizen advisory boards.

City Council Members shall not seek or accept a campaign contribution or an election endorsement from a City employee or association of local City employees. City employees are free to sign candidate nomination petitions, however, City employees shall abide by Policy 9.4 of the Employee Policy Manual.

E) Facilities Resources and Expenses

1. Expense Reports and Travel

When traveling on City business, Elected and Appointed Officials shall conduct themselves professionally as representatives of the City of Surprise. Officials are entitled to be reimbursed for actual and necessary expenses during travel as provided for in the Administrative Policy Manual. Officials are asked to contact the appropriate City staff for assistance in travel plans and expense reports. This section shall be subject to the Council-adopted Travel and Reimbursement Policy.

2. Use of Equipment and Facilities

Elected and Appointed Officials shall not use City equipment or City facilities for private purposes, except to the extent that they are available to the public – see A.R.S. §13-1802.

a) Software Management

Elected and Appointed Officials shall not make, use, accept or install illegal copies of computer software, documentation, or

templates. The City conducts periodic audits to ensure compliance with City policies on software installed on City-owned computers.

The legality of software is ideally established by possession or accountability of the following five items: the original software diskettes, the license, the original manuals, documented evidence of purchase, or copy of the completed product registration.

b) Electronic Communications

City-assigned electronic mail accounts shall be used only for City business or for minor personal use such as setting up medical appointments or communicating occasionally with one's family in a way that does not interfere with City business. City-assigned electronic mail accounts may not be used for personal business or for any campaign purpose.

All City-assigned electronic mail is considered official City business and must be retained in accordance with the City's records management program. In general, electronic mail communications are public records and subject to disclosure under the public records law – see A.R.S. § 39-101 et.seq.

No electronic communications are permitted between Council members during a Council meeting.

GUIDING POLICIES

1. PROPOSALS FOR ACTION: Proposals to take a specific action should only be made in a public meeting.
2. DELIBERATIONS AND DISCUSSIONS: In general terms, Council Members should reserve deliberations and discussions for public meetings, however, if conducted via e-mail, only two (2) other Council Members should be included in a series of messages addressing any topic.
3. INITIATING E-MAIL: Council Members should strive to limit the number of recipients of e-mail messages to no more than two (2) other Council Members. This includes messages containing what is perceived to be only factual information.
4. REPLYING AND FORWARDING E-MAIL: When replying or forwarding an e-mail message, the reply should be limited to no more than two (2) other Council Members. To prevent a

chain of messages that may constitute a quorum, additional Council Members should not be added as recipients to reply or forwarded messages. Furthermore, a new e-mail should not be generated to new Council Members on the same topic.

5. "REPLY TO ALL": The "REPLY TO ALL" button should be used judiciously, if at all, and never when you have received an e-mail message that was previously sent by anyone (constituents, staff, other government officials, etc.) to more than two (2) other Council Members.
6. TEXT MESSAGING: Council Members shall not utilize text messaging during meetings as a means to deliberate or discuss topics.
7. NOTICE: Council Members will place an automatic signature on their e-mails that states as follows:

This e-mail is being transmitted to or by a Member of the Surprise City Council. A recipient of this e-mail who wishes to retransmit this e-mail should be careful that the e-mail is not transmitted to a quorum of a public body upon which the recipient sits.

8. STAFF: Staff members communicating on behalf of a Council Member should be instructed to do so only if it would be appropriate for that Council Member to communicate directly in the same manner.

3. Use of Staff

Under the Council-Manager form of government, the City Council appoints a City Manager, who directs the day-to-day operations of all employees. Council Members need to be sensitive to the role of the City Manager and City staff and shall respect the orderly lines of authority within city government by working through the City Manager or the City Manager's staff.

Council Members may ask other staff members about the status of a matter and may ask for information, but Council Members shall not expressly or implicitly give orders or direction to staff, except through their participation on the City Council. They shall not try privately to influence the decisions or recommendations of staff members, but they may share information with staff. Council and board members

shall not intervene directly with staff on behalf of a particular constituent or organization on a pending matter, but shall participate with Council or board colleagues in discussing and deciding Policy matters for staff to carry out.

Appointed board members shall work through the staff liaisons of their board.

17.2 PROCEDURES

A) Where to Seek Advice

Questions about this Policy, a conflict of interest, or other ethical problems may be presented to the City Attorney. If time permits, requests should be in writing to the City Attorney directly. Requests related to conflicts of interest, A.R.S. § 38-507 must be kept confidential. However, official opinions of the City Attorney are required by this law to become a public record.

B) What to Do if You Are Uncertain

The existence of an ethical issue often does not arise until a meeting is underway.

Rather than risk an inadvertent violation of law, the safest course of action is simply to declare that a conflict may exist that prevents an Elected Official or advisory board member from participating. Indeed, if there is a consistent theme to this handbook, it would be: "If in doubt, don't."

C) How to Declare a Possible Conflict

If an Official believes that a conflict of interest (or even a possible conflict) exists, then he or she must disclose the fact as soon as possible. For example, as soon as an Elected or Appointed Official realizes that a conflict exists on a given matter, they must disclose the conflicting interest on the record for the minutes. From that point on, the Official shall not participate in any manner (by discussing, questioning or voting) in that matter.

Declaring a conflict and not participating should be recognized as a necessary part of preserving public trust and should not be avoided simply because of delays or inconvenience. Indeed, Officials should declare possible conflicts to avoid any appearance of impropriety.

D) Report Improper Behavior

Elected and Appointed Officials have a duty to create the image and reality of a responsive, accessible, and fair City government. Accordingly, Council,

advisory board members and Appointed Officials have a duty to report if another Elected or Appointed Official is violating laws or ethics relating to City government, as set forth in this Policy. Moreover, Officials shall never attempt to use their authority or influence for the purpose of intimidating, threatening, coercing, commanding or influencing any person with the intent of interfering with that person's duty to disclose such improper activity.

If an Official believes that someone else may have violated this Policy, they may consult with the City Attorney, the City Clerk, or City Manager, or his or her colleagues.

E) Filing a Complaint

1. Contents

In addition to optional consultation with the City Attorney, the City Clerk, the City Manager, or his or her designee, any person who believes a City Official in her or his Official capacity has violated a mandatory requirement or prohibition in the City Code, the City of Surprise Ethics Policy, or any state or city law may file a sworn complaint with the City Attorney identifying:

- (a) The complainant's name, address, and telephone number;
- (b) The name and position of the City Official who is the subject of the complaint;
- (c) The nature of the alleged violation, including the specific provision of this Ethics Policy, the City Code or any other law allegedly violated;
- (d) A statement of facts constituting the alleged violation and the dates on which or period of time in which the alleged violation occurred;
- (e) All documents or other material in the complainant's possession that are relevant to the allegation, a list of all documents or other material relevant to the allegation that are available to the complainant but not in the complainant's possession, and a list of all other documents or other material relevant to the allegations but unavailable to the complainant, including the location of the documents, if known;
- (f) A list of witnesses, what they may know, and their contact information, if known;
- (g) If the alleged violation occurred more than 90 days before the sworn complaint is filed with the City Attorney, then the complaint must identify the date the complainant learned of the alleged violation and provide a statement of the facts surrounding the discovery of the violation, a list of the persons with knowledge about the date the

violation was discovered, and a summary of the information they possess about the discovery; and

- (h) The complaint shall include a sworn affidavit that the information contained in the complaint is true and correct.

2. Time for Filing

A complaint must be filed on or before the 365th day after the violation is alleged to have occurred or the 90th day after the violation was discovered, whichever date is earlier.

3. False or Frivolous Complaints

A person who knowingly makes a false, misleading, or unsubstantiated statement may be subject to criminal prosecution for perjury and potential civil liability for, among other possible causes of action, defamation. The basis for such a complaint shall include, but not be limited to, creating or drafting any document in bad faith or for the purpose of harassment, or containing intentionally false or malicious information. If after reviewing a complaint it is determined that a sworn complaint is groundless and appears to have been filed in bad faith or for the purpose of harassment, or that intentionally false or malicious information has been provided under penalty of perjury, then the City Attorney may refer the matter to the appropriate law enforcement authority for possible prosecution. Any defense costs associated with such prosecution shall be at the City Official's expense.

4. Elections Complaints.

Any complaints relating to City elections shall be filed with or referred to the City Clerk for review and disposition as provided by law.

F) Complaints against Members of Boards, Commissions, Committees, Task Forces, and Other Appointed Advisory Groups

1. Initial Screening of Complaints

The City Attorney shall review each complaint filed alleging a violation by an Elected or Appointed Official and within 15 days either:

- (a) Return it for being incomplete;
- (b) Dismiss it for being untimely;
- (c) Dismiss it if the complaint on its face fails to state allegations that, if true, would violate a mandatory requirement or prohibition - as

opposed to an aspirational or administrative provision - of this Ethics Policy, the City Code or any other laws;

- (d) Refer alleged violations of Arizona or federal laws to an appropriate law enforcement agency if the complaint states on its face allegations that, if true, would constitute a violation of Arizona or federal law; or
- (e) If the complaint states on its face allegations that, if true, would constitute a violation of a mandatory requirement or prohibition (as opposed to aspirational or administrative provisions) of this Ethics Policy, City Code, or any other law, take action as set forth below. In all circumstances, the City Attorney shall simultaneously notify in writing the complainant, and the City Official subject to the complaint, regarding the action taken.

2. Review and Findings

For complaints alleging violations of this Ethics Policy, the City Code or any other law that proceed for additional review, the City Attorney shall investigate the allegations and, within 30 days (unless the City Attorney requests a 15-day extension that is granted in writing by the Mayor or Vice-Mayor), submit to the City Council, the complainant, the Official who is the subject of the complaint, and the City Clerk a report with findings of fact, conclusions of law, and a recommendation. The City Council shall consider the City Attorney's report at a public meeting. If the City Council finds a violation of this Ethics Policy, the City Code or any other law, then it may remove the member from the City board, commission, committee, task force, or other appointed advisory group. In resolving a complaint, the totality of the circumstances shall be taken into consideration, including the intent of the person accused of wrongdoing. If the City Council finds that a member of the City Council has violated the Ethics Policy, the City Code or any other law, the City Council shall enter that finding into the official records of the City.

G. Complaints against the Mayor and members of the City Council, City Manager, City Attorney, City Clerk or City Judges

1. Independent Ethics Reviewers

The City may use independent, non-City personnel to handle complaints under this Ethics Policy lodged against the Mayor and members of the City Council (and to handle any complaints filed against a member of a City board, commission, committee, task force, or other appointed advisory group if the City Attorney would have a conflict of interests in handling that complaint). The City Attorney shall, in compliance with

applicable provisions of the City Procurement Code, select a pool of three (3) to five (5) individuals who could serve as the City's independent ethics reviewers to handle complaints under this Section G.1. To be eligible for selection, individuals must be retired federal or state judges or faculty members at the law schools at Arizona State University or the University of Arizona who do not live in Surprise and do not work for firms or employers that regularly have business in Surprise or represent clients in Surprise. In the event the City Attorney cannot select a sufficient number of eligible people who can perform the necessary services, then the City Attorney may complete the pool by selecting independent qualified attorneys who do not live or office in Surprise and whose firms or employers do not regularly have business in Surprise or represent clients in Surprise. Individuals who serve as the City's independent ethics reviewers shall do so as the City's agents and enjoy the City's full liability protection and immunity as allowed by law. Each year the City Attorney shall nominate one person from the independent ethics reviewers to serve as the City's "Independent Ethics Officer," and the other independent ethics reviewers will either confirm the nominee or select another reviewer from the pool.

2. Initial Screening of Complaints

For complaints under this Section G, the City Attorney shall immediately transfer any complaint filed against the Mayor, City Manager, or members of the City Council to the City's Independent Ethics Officer, who will conduct the initial screening of the complaint and within 15 days issue a report of findings and conclusions and recommend that the City Attorney handle the complaint as follows:

- (a) Return it for being incomplete;
- (b) Dismiss it for being untimely;
- (c) Dismiss it if the complaint on its face fails to state allegations that, if true, would violate a mandatory requirement or prohibition as opposed to an aspirational or administrative provision of the Ethics Policy, the City Code or any other laws;
- (d) Dismiss it as being without merit and refer it to the appropriate authorities for action against the complainant if the Independent Ethics Officer determines the complaint was false, misleading, frivolous, or unsubstantiated;
- (e) Refer alleged violations of Arizona or federal laws to an appropriate law enforcement agency if the complaint states on its face allegations that, if true, would constitute a violation of Arizona or federal law; or

- (f) If the complaint states on its face allegations that, if true, would constitute a violation of a mandatory requirement or prohibition (as opposed to aspirational or administrative provisions) of the this Ethics Policy, the City Code or any other law, the Individual Ethics Officer shall investigate the complaint and report to the City Council, the complainant, the Official who is the subject of the complaint, the City Attorney, and the City Clerk his or her findings of fact and conclusions of law within 60 days. The Independent Ethics Officer may recommend such action as would be permitted under Section F.2. The City Council shall consider the Independent Ethics Officer's report at a public meeting and either accept or reject the report as submitted.
- (g) In all circumstances, the City Attorney shall follow the Independent Ethics Officer's recommendation and notify in writing the complainant, the City Official subject to the complaint, and the City Clerk regarding the action taken.

H. Review of Complaints

1. Presumptions

The City Attorney's recommendation to refer a complaint for further review does not mean that any of the complaint's allegations are true or that any City Official has violated this Ethics Policy or any law.

2. Procedures

The City Attorney will adopt written rules of procedure to govern the review process, including the right of a City Official against whom the complaint has been lodged to respond to the complaint, attend any hearing, and present witnesses and other evidence on her or his own behalf.

3. Expedite

The timelines for handling complaints set forth above set the outer limits. Reviewers and decision-makers are strongly encouraged to make their findings, recommendations, and decisions as expeditiously as possible for the sake of the public and the City Officials against whom complaints have been filed.

4. Public Information Regarding Action Taken and Reports Issued

On the same day the City Attorney notifies a complainant of the action taken on a complaint as set forth in this Ethics Policy, and on the same

day the City Attorney issues a report to the City Council regarding complaints against members of City boards, commissions, committees, task forces, other appointed advisory groups, or other Appointed Officials, as set forth in this Ethics Policy, or an Independent Ethics Officer issues a report to the City Council regarding complaints against the Mayor, City Manager, or a member of the City Council as set forth in this Ethics Policy, copies of those notices and reports shall be filed with the City Clerk and made available to the public as public records.

17.3 PENALTIES AND SANCTIONS

It is the intent of the City Council to educate, and where necessary, discipline board or Council Members who violate this Policy. Discipline shall be progressive, from the least punitive to the most punitive measures. Discipline shall be rendered as follows:

- A) For the first offense, the member shall be publicly censured and provide a public apology.
- B) For the second offense, the member shall be publicly censured, provide a public apology, and fined in an amount not to exceed \$250.
- C) For all subsequent offenses, the members shall be publicly censured, provide a public apology, and fined in an amount not to exceed \$500.

In the event the Council believes progressive discipline does not provide the appropriate sanction because of the gravity of the offense, or because the Council does not believe the sanction would deter future misconduct, the Council may take additional steps as they deem necessary to deter future misconduct.

In all instances, the totality of the circumstances shall be taken into consideration in resolving a matter, including the intent of the one accused of wrong doing. This Policy does not prevent informal resolution of minor infractions, such as immediate corrective action of the possible misconduct.

SECTION 18. REPRESENTATION ON REGIONAL AND STATE BOARDS, COMMISSIONS & COMMITTEES

The Council Members shall nominate Representatives and Proxy Representatives to individual regional and state boards, committees and commissions from among his/her membership. Nominations shall be voted upon in the order in which each were nominated. The first member to receive a majority of the votes cast shall be the designated City Representative for the board, committee or commission for which he/she was nominated. The Proxy Representative shall be nominated and selected following the same procedure as used to select the Representative. The Proxy Representative shall attend meetings of the board, committee or commission which the Representative is unable to attend.

This Policy shall be applicable for all boards, committees or commissions in the future as well as all board, committees or commissions in existence.

SECTION 19. BOARD, COMMITTEE AND COMMISSIONS MEMBER REPLACEMENT PROCESS

This process applies to all openings or vacancies in existing City boards, committee and commissions, as well as the initial appointment of members to all new City boards, committees and commissions, unless otherwise indicated in the codified ordinance or resolution creating the board, committee or commission:

- A) The City Clerk shall maintain and distribute applications to all persons interested in being a member of a City board, committee or commission.
- B) All persons, including current board members seeking re-appointment, interested in becoming a member of a City board, committee or commission shall submit their applications to the City Clerk's office. Only applications received by the Clerk's office shall be considered for openings.
- C) The City Clerk shall advertise all board, commission and committee vacancies in a newspaper of local circulation, but no more than once a fiscal year, unless directed to do so by the nominations committee. The advertisement shall run no less than two (2) weeks. The City Clerk shall post all openings on the City web site, as well as all designated posting locations, during the application acceptance period.
- D) The City Clerk shall accept and maintain all applications received during the fiscal year in which it was received.
- E) Upon request by the nominations committee the City Clerk shall forward to the Chair of the nominations committee all applications and letters of intent received during the fiscal year.
- F) The Mayor shall either designate three (3) Council Members to serve as the nominations committee, or designate one Council Member to serve as the Chair of the nominations committee, with the Chair selecting two additional Council Members to serve on the nominations committee. The Mayor may make this designation for each opening, or the Mayor may elect to appoint a nominations committee or Chair on an ongoing basis, during which all openings would be addressed until such time as the Mayor elects to make a new designation.
- G) In the event the nominations committee feels that there are not enough qualified applicants (i.e., applicants that meet the prerequisites) for the opening, the nominations committee shall direct the City Clerk to re-advertise the opening.
- H) The nominations committee shall interview all qualified applicants. Current board, commission or committee members and staff members shall not actively participate in the interview process. However, the staff liaison will act in an advisory capacity to the nominations committee in developing questions and providing input regarding the needs of the board, committee or commission. The nominations committee may solicit questions from other City staff or the current board, commission or committee members prior to the interview process. All applicants shall be asked the same questions in

order to ensure that a fair assessment can be made of each applicant; however, additional questions may be asked for purposes of clarification after the standard questions have been asked. The nominations committee shall select the persons they recommend for the vacancy appointments and submit the names to the City Clerk on an Agenda action form.

- I) The City Clerk shall provide the finalists with the date, time, location and any other appropriate information regarding the Council meeting at which their possible appointment will be discussed.
- J) The finalists shall be presented to the City Council at a regularly scheduled meeting.
- K) The City Council shall review the finalists recommended by the nominations committee and fill the openings by a majority vote of the City Council.
- L) The City Clerk shall swear in all newly appointed members. Any newly appointed member not available to participate in the formal swearing in process at that first meeting shall make arrangements to be sworn in by the City Clerk prior to acting in the capacity as a board, commission or committee member.

SECTION 20. REVIEWING AND ADJUSTING MAYOR, VICE-MAYOR AND COUNCIL SALARIES

20.1 PURPOSE

The purpose of this Policy is to explain the process for reviewing and adjusting the salaries of the Mayor, Vice-Mayor and members of Council.

20.2 POLICY

Arizona Revised Statutes § 9-232.01 provides that a common Council may by ordinance or resolution prescribe a daily compensation or salary to be paid the Mayor, Vice-Mayor, Council Member and administrative board members for the performance of Official duties.

20.3 PROCEDURE

City Council created the Mayor, Vice-Mayor and Council Member Salary and Adjustment Process outlined below:

- A) Each January during an election year, the City Manager shall compile a list of the current mean salaries for non-full-time Mayors, Vice-Mayors and Council Members of Valley cities operating under the Council/Manager form of government with populations between 75,000 and 200,000, based on the most recent census.
- B) The City of Surprise Mayor, Vice-Mayor and Council Member salaries shall be equal to the current mean salary for non-full-time Mayors, Vice-Mayors and Council Members of Valley cities operating under the Council/Manager form

of government with populations between 75,000 and 200,000, based on the most recent census.

- C) The City Manager shall program the Mayor, Vice-Mayor and Council Member's salaries into the fiscal year budget (July of the current election year).
- D) In accordance with Article 4, Part 2, § 17 of the Arizona Constitution, any increase in the Mayor, Vice-Mayor or Council Member salaries shall not become effective until the seating of the next Council. Thus, the salary shall be effective upon the seating of the new Council, generally, January 1st following the election year.

SECTION 21. SURPRISE CITY COUNCIL WEB PAGES

The City of Surprise Communications Department shall create and maintain for each City Council Member a web site on www.surpriseaz.com, accessible through the "Mayor and Council" portal on the home page of the site.

The Communications Department and the individual Council Member's sites may contain news and information about Council Member activities, actions and positions, including but not limited to blog entries, photographs, links to other areas of www.surpriseaz.com, links to other sites, and Council generated videos.

The Communications Department shall receive from the Council Member's information for inclusion on the Council Member's site in the form of written material, photographs, videos or links.

The Communications Department may assist Council Members in the set up and operation of web cameras from their City computers, and the posting of Council-generated videos produced.

The Communications Department may provide design and other stylistic input in terms of the appearance of the site. However, the content of the site should be generated and presented for posting by the individual Council Members.

Council Members may not utilize the City-owned and operated site to campaign for re-election, link to any election or re-election web sites, or to take a position on any contested office or issue, pursuant to Arizona state statute.

The use of web pages, Channel 11 and the City web site shall be governed by A.R.S. § 9-500.14 that provides a city or town shall not use its personnel, equipment, materials, buildings or other resources for the purpose of influencing the outcomes of elections. Nothing in this section precludes a city or town from reporting on Official actions of the governing body.

SECTION 22. SURPRISE CHANNEL 11 AND CITY WEB SITE

Election coverage will be provided in accordance with federal, state and local law. Programming for Channel 11, content of the City's web site and other City communications vehicles will not promote any political candidate or take a position on an election issue.

90 days prior to the Official election date, Surprise 11 will not produce or air interview programs, public service announcements or other special programming in which any candidate running for office, including the Mayor and Council if running for re-election, has filed such papers appears. Additionally, no web content, including Council Member blogs, promoting, advocating or commenting on the election will be allowed.

This Policy will be extended to cover the period between the day after a primary election and the day after a runoff election should the primary election result in a runoff.

During this period(s), Surprise 11 will continue to air programs that feature the Mayor or Council Members carrying out Official duties that require posting of a possible quorum, such as City Council meetings.

The City's web site, publications and television resources will continue to report Official actions which may incidentally involve candidates for office, such as City Council or Planning and Zoning Commission activities.

Surprise 11 is committed to airing Surprise City Council and Planning & Zoning meetings. It is acknowledged that such meetings may include appearances by candidates for office during "Call to the Public" or as part of duties associated with membership on City boards or commissions. Topics of discussion by those individuals shall be limited to the items before those bodies.

SECTION 23. USE OF COUNCIL CHAMBERS AND MAYOR'S ATRIUM

23.1 POLICY

To provide guidelines and set procedures for use and reservation of the City of Surprise Council Chamber and Mayor's Atrium. This section is intended to create guidelines for government use of city facilities. This section is not intended to make City facilities available to the public for public use. As such, this section should not be interpreted as any authorization to create any open or limited public forum.

23.2 PROCEDURE

The following shall be the Policy for the City of Surprise for scheduling the use of the Council Chamber and Mayor's Atrium.

- A) The City of Surprise Council Chamber and Mayor's Atrium are intended to accommodate the needs of government, Surprise residents and the community on an individual or group basis as defined herein.
- B) The City Clerk's office shall be responsible for scheduling the facility and will maintain a calendar of scheduled uses including: purpose of the meeting, time and date of the meeting, any special set-up and the person responsible for the meeting. The Mayor/City Clerk will have final approval of the Council Chamber/Atrium use.
- C) Facilities may not be used for any illegal or commercial purposes.

23.3 USAGE GROUPS

City Facilities are available for the following uses:

- A) All City of Surprise Special Council Work Sessions; Special Council meetings; Regular Council Work Sessions and Regular Council meetings.
- B) Planning & Zoning Work Sessions, Planning & Zoning Special and Regular meetings.
- C) Official government functions for the City of Surprise.
- D) Official government functions for other political agencies such as: federal, state, county, other cities and school districts as approved.
- E) City sponsored and co-sponsored programs.

23.4 SCHEDULING

- A) City staff can check the Council Chambers availability online through Microsoft Outlook electronic calendar before proceeding to the remainder of the process. All the other groups or individuals will need to contact the City Clerk or designee for availability.
- B) City staff or qualifying organization shall complete the attached Facility Use Agreement and submit to the City Clerk or designee for review at least 10 days in advance of scheduled meeting.
- C) The person scheduling and signing the use agreement must be at least 18 years of age.
- D) Meetings may be scheduled up to three months in advance.
- E) Groups utilizing the Council Chambers must comply with the Provisions in Title IIA of the Americans with Disabilities Act.
- F) The Council Chambers and Mayor's Atrium are available for use during the following hours:
 - Regular Hours: Monday-Friday 8:00 a.m. – 5:00 p.m.

- After Hours: Monday-Friday 5:00 p.m. – 10:00 p.m. (prior approval only)
 - Weekend Hours: Facilities are available on a limited basis with special approval by the Mayor/City Clerk.
- G) The Council Chambers and Mayor's Atrium are not available for use during City observed holidays.
- H) Restroom facilities are available in the Mayor's Atrium.
- I) City meetings shall be given preference at all times in scheduling use of the facility. Other meetings will be scheduled on a first come-first served basis. In the event of an unforeseen circumstance and City use of the facilities is necessitated, a group or agency may be required to relocate their meeting.

23.5 RULES OF CONDUCT

- A) No food or beverages are allowed in the Council Chambers. Food and drink may be set-up in the Mayor's Atrium, but must be cleaned up right away and monitored during the event.
- B) All activities/meetings must be under adult supervision, 18 years of age or older, for all groups.
- C) The person(s) requesting the use of the room will be responsible for cleaning up the room and removing any trash from the Council Chamber and/or Atrium.
- D) The City will not be responsible for any equipment brought in by the requestor and such equipment must be removed at the conclusion of the meeting/event.
- E) No City furniture shall be moved from the facility.
- F) The City will not store equipment, supplies, materials, etc. for organizations using the areas.
- G) No signs or notices will be posted upon the premises. Nails, hooks, adhesive fasteners, scotch tape, tacks or screws are not allowed on any part of the building or premises.
- H) The total number of people cannot exceed the posted capacity of the Council Chambers.
- I) The event shall be confined to the reserved area(s) and shall not interfere with the general public or any other activities ongoing within the facilities.
- J) The responsible party must restore the facilities to their original condition. No custodial services are provided with the use of the facilities.
- K) No animals shall be allowed upon the premises, except for dogs assisting disabled individuals.
- L) The City will not provide security services. This is the responsibility of the requestor.
- M) No commercial, religious or political activity will be permitted.

- N) Parking is available in the parking garage located on the west end of the City Hall Complex – 1st floor.

SECTION 24. USE OF ROOMS IN CITY HALL

24.1 POLICY

To provide guidelines and set procedures for use and reservation of rooms in City Hall.

24.2 PROCEDURE

The following shall be the Policy for scheduling the use of rooms within City Hall:

- A) The rooms within City Hall are intended to accommodate the needs of government, Surprise residents and the community on an individual or group basis as defined herein.
- B) The City Manager or designee shall be responsible for scheduling the rooms and will maintain a calendar of scheduled uses including: purpose of the meeting, time and date of the meeting, any special set-up and the person responsible for the meeting. The City Manager will have final approval of room use.
- C) Facilities may not be used for any illegal or commercial purposes.

24.3 USAGE GROUPS

The City of Surprise does not compete with private businesses in renting room space; however, the facilities are available for the following uses:

- A) All City of Surprise Special Council Work Sessions; Special Council meetings; Regular Council Work Sessions and Regular Council meetings.
- B) Planning & Zoning Work Sessions, Planning & Zoning Special and Regular meetings.
- C) Official government functions for the City of Surprise as approved.
- D) Official government functions for other political agencies such as: federal, state, county, other cities and school districts as approved.
- E) City sponsored and co-sponsored programs.

24.4 SCHEDULING

- A) City staff can check the room availability online through Microsoft Outlook electronic calendar before proceeding to the remainder of the process. All the other groups or individuals will need to contact the City Manager or designee for availability.
- B) City staff or qualifying organization shall complete the attached Facility Use Agreement and submit to the City Manager or designee for review at least ten (10) days in advance of scheduled meeting.
- C) The person scheduling and signing the use agreement must be at least 18 years of age.
- D) Meetings may be scheduled up to three (3) months in advance.
- E) Groups utilizing the rooms must comply with the provisions in Title IIA of the Americans with Disabilities Act.
- F) The rooms are available for use during the following hours:
 - a. Regular Hours: Monday-Friday 8:00 a.m. – 5:00 p.m.
 - b. After Hours: Monday-Friday 5:00 p.m. – 10:00 p.m. (prior approval only)
 - c. Weekend Hours: Facilities are available on a limited basis with special approval by the Mayor/City Clerk.
- G) The rooms are not available for use during City observed holidays.
- H) Restroom facilities are available in City Hall.
- I) City meetings shall be given preference at all times in scheduling use of the facility. Other meetings will be scheduled on a first come-first served basis. In the event of an unforeseen circumstance and City use of the facilities is necessitated, a group or agency may be required to relocate their meeting.

24.5 RULES OF CONDUCT

- A) No food or beverages are allowed in the rooms.
- B) All activities/meetings must be under adult supervision, 18 years of age or older, for all groups.
- C) The person(s) requesting the use of the room will be responsible for cleaning up the room and removing any trash.
- D) The City will not be responsible for any equipment brought in by the requestor and such equipment must be removed at the conclusion of the meeting/event.
- E) No City furniture shall be moved from the facility.
- F) The City will not store equipment, supplies, materials, etc. for organizations using the areas.
- G) No signs or notices will be posted upon the premises. Nails, hooks, adhesive fasteners, scotch tape, tacks or screws are not allowed on any part of the building or premises.
- H) The total number of people cannot exceed the posted capacity of the room.

- I) The event shall be confined to the reserved area(s) and shall not interfere with the general public or any other activities ongoing within the facilities.
- J) The responsible party must restore the facilities to their original condition. No custodial services are provided with the use of the facilities.
- K) No animals shall be allowed upon the premises, except for dogs assisting disabled individuals.
- L) The City will not provide security services.
- M) No commercial, religious or political activity will be allowed.
- N) Parking is available in the parking garage located on the west end of the City Hall Complex – 1st floor.

SECTION 25. COUNCIL MEMBER ELECTION AND TERM

The members of the City Council shall be elected from the most current election districts shown on the Official election district map, which is on file in the Office of the City Clerk. One (1) Council Member shall be elected by the qualified voters residing in each election district, and each Council Member must be a resident of the election district from which he/she was elected. Each Council Member shall be elected to a four-year term of office.

The terms of the Council Members shall be staggered so that a Council Member shall be elected from each election district at the election for municipal office that is held during the final year of the term of office of the then incumbent Council Member elected from that district.

SECTION 26. DESIGNATION OF VICE-MAYOR; DUTIES

Not later than January 30th of each year, the City Council shall select one of the Council Members other than the Mayor to serve as Vice-Mayor until the Council next selects a Vice-Mayor by not later than January 30th of the following year. Any Council Member may nominate any Council Member. All nominations shall occur prior to voting. The Council shall then vote by written ballot. The candidate receiving a majority of the votes shall be selected as Vice-Mayor. In the event that no candidate receives a majority of votes, the two candidates receiving the highest votes shall be considered in a run-off vote.

In the absence or inability of the Mayor to perform his or her duties, the Vice-Mayor shall perform the duties of the Mayor. In the absence or inability of the Vice-Mayor to perform the duties of the Mayor, the most senior Council Member shall perform the duties of Mayor/Vice-Mayor. Seniority shall be determined by the consecutive number of years the Member has served on the Council.

If the Vice-Mayor decides to run for re-election during his or her term, the Vice-Mayor shall relinquish that position immediately upon filing for re-election. The Council at the next Regular Meeting shall elect a new Vice-Mayor using the process as set forth herein.

SECTION 27. COUNCIL MEMBER VACANCIES

The following Policy shall apply when filling vacancies of the office of Council Member that occur prior to the expiration of the term for which the Council Member was elected:

- A) A vacancy in the office of Council Member shall be filled by a qualified elector residing in the district in which the vacancy exists.
- B) The City Clerk shall distribute applications to all interested and qualified persons, pursuant to subsection (1) of this section.
- C) All qualified persons interested in filling the Council Member vacancy shall submit their applications to the City Clerk's office during the acceptance period. Only applications received during the acceptance period shall be considered for the vacancy. City employees and relatives, as defined in the City of Surprise Employee Policy Manual Nepotism Policy, are not qualified to fill the Council Member vacancy.
- D) The application acceptance period shall be two (2) weeks from the date the vacancy is first advertised, unless a different acceptance period is noted, ending at 5:00 p.m. on the 14th day following the placement of the advertisement in the required newspapers.
- E) No later than seven (7) days from the date the vacancy occurs, the City Clerk shall advertise all vacancies in newspapers with local circulation.
- F) The City Clerk shall post all vacancies on the City web site, as well as all designated posting locations, during the application acceptance period.
- G) No later than the second regularly scheduled Council meeting following the close of the acceptance period, the City Council shall meet to consider all applications received and nominate candidates to fill the vacancy. Any Council Member may nominate any qualified applicant as a candidate to fill the vacancy with no second required. All nominations shall occur prior to voting. The Council shall then vote by written ballot. The candidate receiving a majority of the votes shall be selected to fill the vacant, unexpired term, of the office of Council Member. In the event that no candidate receives a majority of votes, the two (2) candidates receiving the highest votes shall be considered in a run-off vote. In the event that no candidate receives a majority vote, the City Council shall repeat the process set forth until a candidate receives a majority vote.
- H) No later than the next regularly scheduled Council meeting the new Council Member shall be sworn in by the City Clerk.

SECTION 28. SELECTION OF COUNCIL OFFICES

The Mayor has a designated office. Selection of the other Council offices shall be based on total seniority (i.e. aggregate time served as a Surprise Elected Official) with new selections being made after each election cycle (i.e. method used by Federal Officials in the House and Senate). If two (2) or more Council Members are elected at the same time, the choice for selection of offices shall be determined by lottery.

SECTION 29. AMENDMENT

The Mayor and Council may amend/modify these Policies & Procedures within 120 days of January 1st of even numbered years by majority vote. If no amendments/modifications are made within that period, the Policies & Procedures shall be deemed to be unchanged. Any modifications/changes outside the 120-day window shall require the affirmative vote of at least two-thirds of the City Council (5 votes).

These Policies & Procedures of the City of Surprise City Council shall remain in force and effective until amended or repealed as provided herein.